

Government
Publications



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Proclamations
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Orders in Council

Relating to the War

VOLUME 4

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1941

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NOTE REGARDING CONTENTS OF VOLUME 4

This volume includes Orders in Council relating to the war, passed between January 1, 1941, and June 30, 1941, which are regarded as of general or widespread interest and concern.

Orders in Council relating to foreign exchange control are not included in Volumes 2, 3 and 4 as they are published separately by the Foreign Exchange Control Board.

From time to time, consolidations of the Defence of Canada Regulations are also printed in separate volumes.

There have been included in this volume a list of amendments to various Orders in Council (page 217) and a reference index (page 223) covering the contents of Volumes 1, 2, 3 and 4.

P.C. 4/4274 of August 28, 1940, amending P.C. 2584 of September 7, 1939, was omitted from Volume 3 and is now included (page 208).

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

OTTAWA, July, 31, 1941.

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Order in Council amending regulations *re* Temporary Certificates for seamen, etc.

The Canada Gazette, January 25, 1941

P.C. 104

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport reports that the Ministry of Shipping in the United Kingdom have advised that, as a war-time measure, the Regulations relating to the examination of Masters and Mates in the Mercantile Marine, issued by the Ministry of Shipping, have been amended to provide for the issue of Temporary Certificates for Second Mate foreign-going and Mate home-trade; and

That, to co-operate as much as possible with the Ministry of Shipping in the issue of Canadian Masters' and Mates' Certificates during the war period, and to preserve the equivalence of such certificates with those issued in the United Kingdom, it is considered advisable to adopt a similar measure in Canada.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the authority of the War Measures Act, is pleased to make the following Regulation, governing the issue of Temporary Certificates for Second Mate, foreign-going, and Mate, home-trade, and it is hereby made and established accordingly:

REGULATION

TEMPORARY MODIFICATIONS IN THE CANADIAN MASTERS' AND MATES'
REGULATIONS DUE TO WAR CONDITIONS

Sea Service—

(1) Notwithstanding the provisions of paragraphs 3, 52 and 53 of the Canadian Regulations relating to the examination of Masters and Mates in the Mercantile Marine for foreign-going certificates of competency, and paragraph 1 of the Canadian Regulations relating to the examination of Masters and Mates for certificates of competency for home-trade vessels—

- (a) a candidate who has served three years at sea in foreign-going ships or the equivalent, four years and six months in home-trade ships engaged in waters other than inland or minor waters, may be examined for the Second Mate's certificate, foreign-going, and;
- (b) a candidate who has served two years at sea in waters other than inland or minor waters, may be examined for the Mate's certificate home-trade; but no candidate will be admitted to the examination for the Second Mate's certificate, foreign-going, until he has served at least two years and nine months at sea. Any candidate who succeeds in passing one of the aforementioned examinations before he has completed the sea

service normally required under the existing Regulations, will receive a Temporary Certificate of Competency of the appropriate grade, which he may exchange for the ordinary Certificate of Competency when he has completed the normal period of service; but service performed by a candidate between the date on which he received a Temporary Certificate and the date on which he became entitled to receive the ordinary Certificate, will not count towards the period of watchkeeping service required for any certificate of higher grade.

(2) Notwithstanding the provisions of paragraphs 21 and 45 of the Canadian Regulations relating to the examination of Masters and Mates in the Mercantile Marine for foreign-going certificates of competency, a candidate who has been prevented by the exigencies of war from taking the examination for the First Mate's certificate at the earliest date at which he was qualified to do so, will be allowed to count any watchkeeping service which he has performed with a Second Mate's certificate after that date, as qualifying service for the Master's Certificate foreign-going.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations respecting the marketing and export of dairy products (P.C. 2138)

The Canada Gazette (Extra), January 16, 1941

P.C. 143

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 10th day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 23rd day of May, 1940 (P.C. 2138), under the authority of the War Measures Act, regulations respecting the marketing and export of dairy products were made and established;

And whereas by Order in Council dated the 23rd day of May, 1940 (P.C. 2139), a Dairy Products Board was established;

And whereas the Minister of Agriculture reports that it is desirable and expedient that the said regulations be amended and the powers of the Dairy Products Board be enlarged to enable the Board (a) to determine the quantity of any dairy product that may be owned or held in storage; (b) to establish minima prices at which butter may be sold; (c) to buy butter for export from time to time on a basis of a fixed price per pound; (d) to store and sell for export and to export butter, and (e) to enable the Board to pay to licensed manufacturers and exporters of cheese an additional amount not exceeding six-tenths of a cent per pound on all cheese exported on the order of the Board to the United Kingdom Ministry of Food.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under authority of the War Measures Act, is pleased to amend the said regulations and they are hereby amended as follows:

Clause 4 (1) of the said regulations is amended by the addition thereto of the following as paragraphs (o), (p), (q), (r) and (s) thereof, respectively,—

- “(o) to determine the quantity of any dairy product that may be owned or held in storage by any person on his own or for the account of any other person;
- (p) upon the recommendation of the Minister and with the approval of the Governor in Council, to establish minima prices at which butter may be sold;
- (q) upon the recommendation of the Minister and with the approval of the Governor in Council, to buy and store butter from time to time for export on a basis of a fixed price per pound and to requisition cheques to be drawn against any moneys appropriated by Parliament for the purpose for payment of all butter so purchased and for payment of storage and insurance charges on such butter;
- (r) to sell for export and to export butter;
- (s) to requisition cheques, to be drawn against moneys appropriated by Parliament for the purpose, in favour of licensed manufacturers and exporters for the payment of a sum not exceeding six-tenths of a cent for each pound of cheese exported on order of the Board to the United Kingdom Ministry of Food under the contract which comes into effect on April 1, 1941.”

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing the importation of used or secondhand motor buses

P.C. 1/220

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 10th January, 1941.

The Board had under consideration a memorandum from the Honourable the Minister of National Revenue, reporting that:—

“Whereas Item 1215, Schedule ‘C’ of the Customs Tariff prohibits the importation of used or secondhand automobiles and motor vehicles of all kinds, as follows:

‘Used or secondhand automobiles and motor vehicles of all kinds, manufactured prior to the calendar year in which importation into Canada is sought to be made.

provided, that this Item does not affect in any manner automobiles and motor vehicles,—

- (a) Imported under Tariff Items 702, 705a, 706, 707 or 708, or under tourists’ or travellers’ vehicle permits;
- (b) Imported by a bona fide settler on a first arrival but not entitled to entry free of duty under Tariff Item 705a;
- (c) Bona fide purchased on or before the first day of June, one thousand nine hundred and thirty-one, by consumers for their own use and not for resale;

- (d) Forfeited or confiscated for any offence under the Customs laws, or the laws of any province of Canada; and
- (e) Left by bequest; and

Whereas, due to the production in Canada of motor vehicles for war purposes, and the production in the United States of such vehicles for the British Government and the home defence, it is difficult, if not impossible, to obtain new motor buses, with reasonable delivery, either in Canada or the United States; and

Whereas, in connection with Canada's war effort it is deemed necessary that transportation by highway vehicles be provided for (a) members of the armed forces to and from training centres located at points some distance from urban centres and (b) workmen employed at some distance from urban centres in the erection and subsequent operation of munition plants; and

Whereas, even if on occasions new motor buses could be obtained in the United States and reasonable delivery given, the purchase prices of used buses would be very much lower, with a resultant conservation of United States exchange:

Therefore, the undersigned, Minister of National Revenue, has the honour to recommend that authority be granted under the War Measures Act for the importation of used or secondhand motor buses upon payment of the Customs duty and taxes ordinarily applicable, notwithstanding the provisions of Item 1215 of the Customs Tariff, provided that if such vehicles are being imported temporarily and are not to remain permanently in Canada, refund or remission of the Customs duty and taxes paid or ordinarily payable may be granted, such refund or remission to be subject to a deduction equivalent to duty and taxes on $\frac{1}{120}$ th of the value of the vehicles for each month or portion thereof during which they were retained in Canada, but not less than \$25 in any event.

Provided that the decision of the Minister of National Revenue, as to whether or not any used motor buses may be imported under and within the terms of this Order in Council, shall be final and conclusive."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending "The Airport Zoning Regulations, 1939"
(P.C. 3867, November 28, 1939)

The Canada Gazette, February 8, 1941

P.C. 322

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Acting Minister of Munitions and Supply reports that it is deemed advisable that certain amendments, as hereinafter set down, which have been approved by the Aerodrome Development Committee, be made to the

regulations relative to the zoning of airports in Canada designated for direct or indirect use for military purposes, as made and established by Order in Council, P.C. 3867 of the 28th of November, 1939, under and by virtue of the provisions of the War Measures Act, being Chapter 206 of the Revised Statutes of Canada, 1927, and cited as "The Airport Zoning Regulations, 1939".

Therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Munitions and Supply, and under the authority of the War Measures Act, is pleased to amend "The Airport Zoning Regulations, 1939" and they are hereby amended as follows:

- (1) By striking out the words "Minister of Transport" wherever they appear in the said Regulations and substituting therefor the words "Minister of Munitions and Supply".
- (2) By striking out paragraph (ii) of Regulation 2 of the said Regulations and substituting therefor the following:

"2. (ii) For the purpose of these regulations, 'Landing strip' shall be deemed to be that part of an airport which is specially prepared for the landing and taking off of aircraft; 'Flightway' shall be deemed to be that area at the end of each landing strip extending outward in horizontal direction from the boundary of the airport and having a width equal to the width of such landing strip plus six hundred feet measured at right angles to and bisected in equal parts by the projection of the centre line of such landing strip; and 'Airport' shall mean airport as defined in The Air Regulations 1938 and/or any airport constructed by His Majesty for military purposes."

- (3) By striking out Regulation 4 of the said Regulations and substituting therefor the following:

"4. (1) Every person who contravenes or fails to comply with any of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one Hundred Dollars (\$100.00), or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

(2) In the case of any conviction for contravention or failure to comply with the provisions of Regulation 2 of these Regulations, the Minister of Munitions and Supply may by order require the owner or other person in charge of any building, chimney, pole, tower or other structure erected or constructed contrary to the provisions of such regulations forthwith to remove or demolish the same, and in case of failure of the owner or person in charge to remove or demolish such building, chimney, pole, tower or other structure in accordance with the terms of such order the said Minister may cause such building, chimney, pole, tower or other structure to be removed or demolished in any manner which he may deem advisable, and the cost of such removal or demolition shall be recoverable with costs by the Crown from the owner of such building, chimney, pole, tower or other structure or from any person through whose act or fault, or through the act or fault of whose servants, such building, chimney, pole, tower or other structure was erected or constructed.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations re War Veterans' Allowance to
nationals of any enemy country (P.C. 4499, 7th September,
1940, revoked)

P.C. 324

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 4499, dated the 7th day of September, 1940, the following Regulation was made,—

"An allowance shall not be awarded or continued in payment under the provisions of the War Veterans' Allowance Act to or in respect of any person, not being a naturalized Canadian subject, who is a national of any country against which Canada has been declared to be in a state of war.";

And whereas the Minister of Pensions and National Health reports that the effect of the aforementioned Regulation is to preclude payment of War Veterans' Allowance not only to certain veterans who served in the forces of one of His Majesty's former Allies during the Great War but also to certain veterans who served in the forces of Canada during the said Great War and that he is of the opinion that persons who served with the Canadian Forces during the Great War should not be barred from the benefits of the War Veterans' Allowance Act.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and under and by virtue of the War Measures Act, (Chap. 206 of the Revised Statutes of Canada, 1927), and notwithstanding anything to the contrary contained in the War Veterans' Allowance Act or in any other Act or Regulation, is pleased to order that the Regulation made and established by Order in Council P.C. 4499, dated the 7th day of September, 1940, be and it is hereby cancelled and the following regulations substituted therefor:

REGULATIONS

"1. An allowance shall not be awarded or continued in payment under the provisions of the War Veterans' Allowance Act to or in respect of any person, not being a naturalized Canadian subject, who is a national of any country against which Canada has been declared to be in a state of war; provided that the provisions of this regulation shall not apply to any person who served in the Naval, Military or Air Forces of Canada during the "war" as defined in paragraph (h) of Section Two of the War Veterans' Allowance Act.

"2. These regulations shall be deemed to have come into force as, of, and from the 7th day of September, 1940."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing entry under British Preferential Tariff of goods transhipped in foreign countries due to war conditions

P.C. 330

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 3 of the Customs Tariff requires that goods exported to Canada from Empire countries for entry at British Preferential tariff rates of duty must be conveyed from a port of a British country direct into a sea, lake or river port of Canada without transshipment except at a port of a British country;

And whereas the Minister of National Revenue reports that in order to maintain regular supplies of foodstuffs and essential materials, importers of Empire goods have found it necessary, due to war conditions, to utilize shipping services involving transshipment at a port of a foreign country, the goods thus losing their right to preference;

That hitherto a refund or remission of the additional duties and taxes applicable by reason of transshipment in a foreign country has been made by Orders in Council passed under the Consolidated Revenue and Audit Act in cases where it has been demonstrated to the Department's satisfaction that shipping facilities direct to Canada were not available at or about time of shipment;

That in the case of dutiable goods any additional duties and taxes applicable are purely fortuitous since they would not under normal peacetime conditions accrue to the treasury, so that Orders in Council passed under the above-mentioned authority do not represent a remission of revenue;

That the hardship is aggravated by the imposition of the war exchange tax particularly in the case of goods otherwise free of duty and taxes; and

That it is vital that the most economic and effective use be made of all available shipping services;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, concurred in by the Minister of Finance and under the authority of the War Measures Act, is pleased, in order to facilitate entry at Customs, to authorize and doth hereby authorize the Minister of National Revenue to permit entry under the British Preferential tariff of goods otherwise entitled to Preference which are transhipped at a port of a foreign country in cases where he is satisfied that due to war conditions shipping facilities direct to Canada were not available.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council prohibiting export of certain articles useful in production of munitions of war except under licence

The Canada Gazette (Extra) January 24, 1941

P.C. 488

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is considered desirable that steps should be taken to provide for the control of the exportation from Canada of certain articles, in addition to those mentioned in paragraph 1 of Orders in Council P.C. 2785, dated September 20th, 1939, P.C. 287, dated January 23rd, 1940, and P.C. 5994, dated October 26th, 1940, deemed capable of being converted or made useful in the production of arms, ammunition, implements or munitions of war, or military, naval and air stores, in order to safeguard domestic and military requirements for such articles and to carry out more effectively the Regulations respecting Trading with the Enemy, 1939;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, and under and by virtue of the power vested in the Governor in Council by Section 290 of the Customs Act, as enacted by Section 10, Chapter 24, of the Statutes of 1937, is pleased to make the following regulation and it is hereby made and established accordingly:

REGULATION

No person shall on and after the third day of February, 1941, export any of the articles enumerated and described in the list annexed hereto without first having obtained a permit issued by or on behalf of the Minister of National Revenue.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

NOTE.—Annex published as an Extra of *The Canada Gazette*.

Order in Council authorizing payment of freight charges on Western grains sent to Eastern Canada

P.C. 497

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22nd January, 1941.

The Committee of the Privy Council have had before them a report, dated 20th January, 1941, from the Acting Minister of Agriculture, representing that the live stock population has increased markedly in Eastern Canada and at the same time the crop of feed grain in 1940 was below that of the preceding year;

That representations have been made by the Provincial Departments of Agriculture that the supplies are insufficient to meet feed requirements, and have urged that action be taken whereby the Dominion Government would assist Eastern farmers in obtaining the necessary Western feed grains at prices which will permit them to maintain live stock production; and

That it is essential to maintain adequate supplies of live stock products to meet war needs.

The Committee, therefore, on the recommendation of the Acting Minister of Agriculture, advise:

1. That the Minister of Agriculture be authorized, under authority of The War Measures Act, to pay half the regular freight charges on Western grains in car load lots from Port Arthur or Fort William to destinations in any Province in Eastern Canada before July 15th, 1941; provided that the Government of the Province of destination undertake to pay the balance of the freight charges and be responsible for the procuring, distribution and use of such grain exclusively as live stock feed and at prices to farmers which do not include freight charges.

2. That the authority of the Minister of Agriculture to pay freight charges on such quantities of grains as are necessary to meet the requirements of the Provinces shall not exceed the following amounts:

	Bushels
Prince Edward Island.....	80,000
Nova Scotia	760,000
New Brunswick	760,000
Quebec	3,200,000
Ontario	3,200,000
	8,000,000

3. That the sum of \$800,000 be made available to the Minister of Agriculture, out of the War Appropriation, for the said purposes.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations respecting the marketing of dairy products

Canada Gazette (Extra), February 7, 1941

P.C. 515

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 29th day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, by Order in Council dated the 23rd day of May, 1940, P.C. 2138, as amended by Order in Council dated the 10th day of January, 1941, P.C. 143, under authority of the War Measures Act, regulations respecting the marketing of dairy products were made and established;

And whereas, by Order in Council dated the 23rd day of May, 1940, P.C. 2139, the Dairy Products Board was established;

And whereas the Minister of Agriculture reports that it is desirable and expedient that the said regulations be amended and the powers of the Dairy Products Board be enlarged to enable the Board (a) to require persons holding excess quantities of any dairy product to dispose of such excess in order that it may be exported and (b) to require manufacturers of cheese to manufacture white or coloured cheese, waxed or unwaxed, as the Board may prescribe.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War measures Act, is pleased to amend the said regulations and they are hereby amended as follows,—

Clause 4(1) of the said regulations is amended by adding thereto the following as paragraphs (t) and (u):

- “(t) To require any person holding any dairy product in excess of whatever quantity the Board may determine, to dispose of such excess quantity through a licensed exporter, as the Board may direct;
- (u) To require any person manufacturing cheese to manufacture either white or coloured cheese, waxed or unwaxed, and of such minimum sizes as the Board may direct.”

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations (Consolidation) 1940, restricting traffic in homing pigeons across the international boundary line

Canada Gazette (Extra), February 1, 1941

P.C. 629

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 29th day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that it has been represented by the Royal Canadian Mounted Police that the unrestricted traffic in homing pigeons, to and fro across the international boundary line, presents a channel through which communication contrary to the Defence of Canada Regulations may be carried on;

And whereas the Minister of Justice is of opinion, upon the facts represented, that it is expedient in the public interest that the Defence of Canada Regulations be amended to restrict the traffic in homing pigeons to and fro across the international boundary line.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations (Consolidation) 1940, and they are hereby amended by adding thereto immediately after Regulation 18A thereof the following as Regulation 18B:

“18B (1) Subject to any exemption for which provision may be made by Order of a competent authority, no person shall, except under the

authority of a written permit granted by or on behalf of a competent authority, bring, take or send any live pigeon into or out of Canada; and where any officer of the Department of National Revenue finds any live pigeon on any occasion on which it has been brought or sent into Canada or is being taken or being sent out of Canada, then, unless he is satisfied that such bringing, taking or sending is either exempt from the restriction imposed by this regulation or authorized by a written permit pursuant to the provisions of this regulation, he may seize and detain such pigeon and may cause it to be liberated, detained, destroyed or otherwise disposed of in accordance with instructions given by or on behalf of a competent authority.

(2) For the purposes of this Regulation "a competent authority" shall mean the Minister of National Revenue."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing R.C.A.F. Officers to administer an oath
in matters relating to the R.C.A.F.**

P.C. 644

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 29th day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence for Air reports as follows,—

In matters pertaining directly to the administration of the Royal Canadian Air Force cases from time to time arise wherein affidavits and solemn declarations are required. These relate solely to Service matters, and in no way pertain to those affecting property and civil rights;

While under The King's Regulations and Orders for the Royal Canadian Air Force certain prescribed officers are empowered to attest the taking of Oaths of Allegiance and Declarations on Enlistment, this power does not extend to the taking of affidavits and declarations required in connection with other Service matters. This, particularly in the case of personnel serving in Detachments stationed in isolated areas, makes for delay and frequently causes hardship to the personnel concerned;

In the circumstances, it is desirable that provision be made whereby certain prescribed officers be empowered to administer oaths required to be taken in matters pertaining solely to the administration of the Royal Canadian Air Force.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Air and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and doth hereby order that every officer of the Royal Canadian Air Force not below the rank of Flight Lieutenant may administer an oath required to be taken in matters pertaining to the Royal Canadian Air Force, and may give a certificate of such oath having been made, taken or administered.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council approving Regulations *re* employment of longshoremen
at Halifax

P.C. 744

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that as the result of conditions arising from the war there is a shortage of longshoremen at the Port of Halifax which is involving serious tie-ups in the loading of ships to join convoys;

That the Halifax Longshoremen's Association (Local 269, I.L.A.), has requested that provision be made under the War Measures Act whereby if the Association desires to add temporarily to its membership for the purpose of meeting the extra work resulting from the war it may be assured that any persons so admitted as temporary members of the Union shall not have any claim to be kept on as members during the summer season when longshoremen's work at Halifax is slack, or for any period after the additional war work which resulted in their being taken on as members has come to an end, and that they shall have no claim to any share in or benefit from the funds of the Association;

That the Minister of Labour of Nova Scotia has recommended that the said request of the Association be granted;

That it is important from the standpoint of the efficient prosecution of the war that no delays occur in the loading or unloading of vessels at the Port of Halifax, and that it is therefore in the public interest that the provision asked for by the said Association with the approval of the Minister of Labour of Nova Scotia be made.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of Section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following Regulation and it is hereby made and established accordingly:

REGULATION

"In case the Halifax Longshoremen's Association (Local 269, I.L.A.), decides to require non-members to join the Association on a temporary basis for the purpose of enabling the Association properly to perform and control the additional longshoremen's work due to war conditions, no such person taken on as a temporary member of the Association shall have any right to be retained as a member thereof during the summer season or for any period after the extra war work which necessitated his employment has come to an end and his services are no longer required; nor shall any such temporary member be entitled to any share in or benefit from any funds of the Association."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending regulations *re* certificates of competency—
masters, mates and engineers

P.C. 747

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of January, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport reports that it is not considered that there are available in Canada a sufficient number of masters and mates holding foreign-going certificates of competency and engineers holding First Class certificates, under the provisions of the Canada Shipping Act, 1934, to meet the requirements that may arise in the efficient prosecution of the war.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and under and by virtue of the War Measures Act, and notwithstanding anything contained in the Canada Shipping Act, 1934, is pleased to order and it is hereby ordered that a master or mate holding a home-trade certificate of competency, or a certificate of competency for coasting voyages, under the provisions of the Canada Shipping Act, 1934, may be authorized by or on behalf of the Minister of Transport to act as master or mate, in their respective capacities, in a ship employed on foreign voyages if the Minister of Transport, or his authorized representative, is satisfied that an exigency exists and that the master or mate, as the case may be, is competent to act in a ship employed on foreign voyages; likewise, that an engineer holding a Second Class certificate of competency may be authorized to act in any position where an engineer holding a First Class certificate of competency is required under the provisions of the Canada Shipping Act, 1934, if the Minister of Transport or his authorized representative is satisfied that an exigency exists and that the engineer is competent so to act.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing Wartime Bureau of Technical Personnel

P.C. 780

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 12th February, 1941.

The Committee of the Privy Council have had before them a report, dated 4th February, 1941, from the Minister of Labour, stating that he has been advised

1. That there is a growing shortage of competent chemists, engineers and other technically trained personnel required for the war program,

2. That the Engineering Institute of Canada, the Canadian Institute of Mining and Metallurgy, the Canadian Institute of Chemistry and the Technical Service Council are prepared to establish a Wartime Bureau of Technical Personnel to organize the placement of technical personnel in the war industries and to co-operate with the Civil Service Commission in arranging for the placement of technical personnel in the government service, and

3. That the Interdepartmental Committee on Labour Co-ordination is of the opinion that such a Bureau is urgently needed.

The Minister, therefore, recommends that, if the Institutes named above establish such a bureau on lines approved by the Minister of Labour and the Interdepartmental Committee on Labour Co-ordination,

1. The records of the technical section of the Voluntary Service Registration Bureau of the Department of National War Services be transferred to the Wartime Bureau of Technical Personnel, and

2. The Wartime Bureau of Technical Personnel be granted an accountable advance of not to exceed \$7,000 for the balance of the fiscal year 1940-41, to meet the necessary operating expenses of the Bureau, the said advance to be chargeable to the war appropriation.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council remitting levy on wheat in Provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island processed for private consumption

P.C. 134/813

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 1st February, 1941.

The Board had under consideration the following memorandum from the Honourable the Minister of Trade and Commerce:

"The undersigned has the honour to report that under the provisions of the Canadian Wheat Board Act, Chapter 53 of the Statutes of 1935 as amended by Chapter 25 of the Statutes of 1940, providing for the imposition and collection of a processing levy on all wheat products intended for human consumption, regulations were issued by the Canadian Wheat Board and approved by Your Excellency in Council whereby the levy aforesaid was applied in the case of wheat products returned to a grower by the processor even though the wheat product is processed from the grower's own wheat;

The undersigned further reports that the effect of the said regulations is to apply the processing levy to wheat grown in certain provinces of Canada notwithstanding that wheat is not grown in large commercial quantities in such provinces and that the grower receives no benefits from the operation of the Canadian Wheat Board;

The undersigned having considered the said situation recommends that pursuant to the powers vested in Your Excellency in Council by section thirty-three of the Consolidated Revenue and Audit Act and by the War Measures Act or otherwise, such levy be remitted in the case of all wheat grown in the Provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island and taken by the grower to any grist mill to be processed for consumption exclusively in the grower's home and that refunds be made by the Canadian Wheat Board accordingly.

The undersigned further recommends that such remission apply as well in the case of payments of levy already made as in the case of payments to be made in the future."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council amending the National Registration Regulations, 1940,
re "registration card"**

The Canada Gazette (Extra), February 11, 1941

P.C. 852

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 5th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National War Services reports that in making proof in connection with charges laid under the National Registration Regulations, 1940, certain administrative difficulties have been encountered as a result of which it is deemed necessary to make certain amendments to the aforesaid Regulations.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services, and pursuant to the powers vested in the Governor in Council by The War Measures Act and The National Resources Mobilization Act, 1940, is pleased to amend the National Registration Regulations, 1940, and they are hereby amended by adding immediately after section 38 thereof, the following:

"39. (1) Any document purporting to be a copy of a registration card or any other document in the custody of the Dominion Statistician under the authority of the National Registration Regulations, 1940, and to be certified by the Dominion Statistician or by a person authorized by the Dominion Statistician to give a certificate on his behalf, shall be received in evidence in the place and stead of the original and shall have the same force and effect as the original would have if produced and proved: provided that it may be proved in rebuttal that there is no such original, or that the copy is not a true copy of the original in some material particular.

(2) No copy of any document shall be received in evidence under the authority of this section upon any trial unless the party intending to produce the same has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention and the reasonableness of the notice shall be determined by the court, judge or other person presiding."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending the War Exchange Conservation Act, 1940—
Bananas added to list of prohibited imports

The Canada Gazette (Extra), February 12, 1941

P.C. 865

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 5th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Part I of the War Exchange Conservation Act, 1940, provides that the importation into Canada of the goods described in Schedule One to the said Act is prohibited except in such cases as the Minister of National Revenue in his discretion deems desirable and under and in accordance with the terms of a permit granted by him;

And whereas the said Part I provides that the prohibition of importations shall not apply to any goods imported from, and being of the growth, produce or manufacture of, any country within the sterling area or Newfoundland, except, at the discretion of the Minister of National Revenue, goods composed wholly or in part of silk;

And whereas Schedule One to the said Act is divided into two parts, namely, Part One and Part Two, and it was the intention that no permits would be granted for the importation of the goods described in Part One and that permits would be granted for the limited importation of the goods described in Part Two;

And whereas the Minister of Finance reports that it is in the public interest that the importation of bananas from countries within the sterling area should be encouraged as far as possible by prohibiting the importation of bananas from countries outside the sterling area, except under permit; and

That in order to provide for the prohibition of the importation of bananas as aforesaid it is desirable to amend Part Two of Schedule One as hereinafter provided.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under and by virtue of the War Measures Act, is pleased to add and doth hereby add to Part Two of Schedule One of the War Exchange Conservation Act, 1940, the following:

"Tariff Item No.
98

Description
Bananas"

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Regulations establishing Rehabilitation Grant
(P.C. 7521, December 19, 1940)

P.C. 890

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 5th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by an Order in Council dated 19th December, 1940, P.C. 7521, provision was made for a Rehabilitation Grant to be paid to members of the Naval, Military and Air Forces of Canada, who, having served continuously on Active Service during the present war for a period of not less than 183 days, were retired or discharged from any of the said Forces or ceased to serve on Active Service;

And whereas under Paragraph (e) (ii) of the Regulations established by the said Order in Council, pay for the purposes of such Regulations was, with respect to a member of the Military Forces, defined as meaning "pay of rank" excluding tradesmen's pay and all other additional Pay and Allowances other than Dependents' Allowance;

And whereas the Minister of National Defence reports that under the Financial Regulations and Instructions for the Canadian Active Service Force, rates of pay are prescribed for certain appointments regardless of the rank of the holder thereof; and that in consequence, it is desirable in such cases that the Rehabilitation Grant be based on the emoluments prescribed for the appointment held by the Officer on his retirement or on his ceasing to serve on Active Service and not on the rates of pay prescribed for his rank;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other law or regulation, is pleased to amend Paragraph (e) (ii) of the Regulations made and established by Order in Council dated 19th day of December, 1940, P.C. 7521, and it is hereby amended by inserting after the word "rank" the words "or appointment,".

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending Regulation 6—trespassing and loitering
(Defence of Canada Regulations (Consolidation)) 1940

The Canada Gazette (Extra), February 11, 1941.

P.C. 892

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 7th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas regulation 6 of the Defence of Canada Regulations (Consolidation) 1940, prohibits trespassing and loitering in connection with certain premises including those used or appropriated for the performance of essential services as defined in the said Regulations;

And whereas it is not the intention that the provisions of this regulation, in so far as premises used or appropriated for the performance of essential services are concerned, should apply to a lawful strike as long as the action of the strikers is not otherwise unlawful.

Now, therefore, His Excellency, the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend regulation 6 of the Defence of Canada Regulations (Consolidation) 1940, and it is hereby amended by adding thereto as paragraph (6) the following:

“(6) No person shall be guilty of an offence under paragraphs one and three of this regulation respecting premises used or appropriated for the performance of an essential service provided that he is only taking part in, or peacefully persuading any other person to take part in, a strike and that he is not otherwise unlawfully on or near or loitering in the vicinity of such premises.”

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing the Minister of Munitions and Supply to
purchase for the Government of Belgium**

P.C. 933

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 7th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas paragraphs (a) to (g), inclusive, of subsection (1) of Section 6 of the Department of Munitions and Supply Act provide as follows:

“6. (1) The Minister may,

- (a) buy or otherwise acquire, manufacture or otherwise produce, finish, assemble, store and transport, and sell, exchange or otherwise dispose of munitions of war and supplies;
- (b) repair, maintain and service munitions of war and supplies;
- (c) construct or carry out defence projects and sell, exchange or otherwise dispose of the same;
- (d) purchase or otherwise acquire and sell, exchange or otherwise dispose of, any real or personal property or any interest therein which in the opinion of the Minister is or is likely to be necessary or desirable for the carrying out of any of the powers conferred upon the minister by this Act, or by the Governor in Council;
- (e) mobilize, control, restrict or regulate to such extent as the Minister may, in his absolute discretion, deem necessary, any branch of trade or industry in Canada or any munitions of war or supplies;
- (f) with the specific or general authorization of the Governor in Council, from time to time, make, issue, amend and repeal all such orders, rules, regulations, permits and licences, as the Minister, in his discretion,

may consider necessary or expedient for the exercise of any of the powers conferred upon him by this Act or by the Governor in Council and any such order, rule, regulation, permit or licence may be of general or particular application and failure to comply therewith shall constitute an offence under this Act;

- (g) if authorized by the Governor in Council, exercise any of the powers contained in paragraphs (a) to (f), both inclusive, of this subsection for or on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, whether at the instance of or through the medium of the British Supply Board or otherwise and for or on behalf of any other of His Majesty's Governments or for or on behalf of the Government of the Republic of France or for or on behalf of the Government of any allied or associated power;"

And whereas the Government of Belgium (hereinafter sometimes referred to as "the Government") has requested, in effect, that the Minister of Munitions and Supply may be authorized to exercise, from time to time, any of the powers contained in paragraphs (a) to (f), both inclusive, of said subsection (1) of Section 6 for or on behalf of the Government;

And whereas it is deemed desirable that, for the more efficient prosecution of the war, the Minister of Munitions and Supply should be authorized accordingly.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and under and by virtue of the powers conferred by the Department of Munitions and Supply Act and the War Measures Act, is pleased to authorize and doth hereby authorize the Minister of Munitions and Supply to exercise, from time to time, any of the powers contained in paragraphs (a) to (f), both inclusive, of subsection (1) of Section 6 of the said Act for or on behalf of the Government of Belgium; provided that if the said Government shall request the Minister of Munitions and Supply to make payments for or on behalf of the said Government, the financial and accounting arrangements to be entered into shall be such as may be approved by the Minister of Finance.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending "The Defence Air Regulations, 1940"

(P.C. 1890, May 9, 1940)

P.C. 992

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 12th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the provisions of the War Measures Act, being Chapter 206 of the Revised Statutes of Canada, 1927, certain regulations, cited as "The Defence Air Regulations, 1940", to control the flying of civil aircraft in Canada during the war, were made by Order in Council, P.C. 1890 of May 9th, 1940;

And whereas Regulation 4 of the said Regulations reads, in part, as follows:

“(a) No civil aircraft, other than aircraft licensed to operate on a scheduled air transport service, as provided in Part VII of The Air Regulations, 1938, and registered aircraft of approved Canadian Flying Clubs engaged in the training of pilots or other personnel, shall be flown over any of the prohibited areas set forth in Scheduled “A” to these regulations, without the permission of one of the following officers of the Department of National Defence;—”

And whereas in the interests of national safety, it is now deemed expedient to amend the said regulations to include in said Schedule “A” certain additional prohibited areas;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and under and by virtue of the War Measures Act, is pleased to amend “The Defence Air Regulations, 1940”, and they are hereby amended as follows:

(a) by deleting Items 1, 2, 3, 4 and 5 in Schedule “A” thereto, “List of Prohibited Areas”, and substituting in lieu thereof, the following:—

“*Nova Scotia*—

1. Nova Scotia:

The area including the whole of the Province of Nova Scotia and the territorial waters adjacent thereto.

New Brunswick—

2. New Brunswick:

The area including the whole of the Province of New Brunswick and the territorial waters adjacent thereto.

Prince Edward Island—

3. Prince Edward Island:

The area including the whole of the Province of Prince Edward Island and the territorial waters adjacent thereto.

Quebec—

4. Eastern Quebec:

The area included in that part of the Province of Quebec lying east of a line drawn from Cape Chidley on Hudson Strait to the mouth of the Saguenay River, and thence south to the United States boundary along the Temiscouata River from Rivière du Loup to Edmundston, New Brunswick, and all the territorial waters adjacent thereto.

5. Quebec and Valcartier:

The area within a circle of a radius of 15 miles with centre at Loretteville, Quebec.

6. McMasterville:

The area within a circle of a radius of 3 miles with centre at the railway station.

7. Brownsburg:

The area within a circle of a radius of 3 miles with centre at the railway station.”

and (b) by re-numbering 8 to 27, inclusive, the items in said Schedule “A” now bearing the numbers 6 to 25, inclusive.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending regulation 11, radio apparatus on a ship—
Defence of Canada Regulations (Consolidation) 1940

The Canada Gazette (Extra) February 25, 1941

P.C. 1014

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 22nd day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is deemed desirable that provision should be made whereby the use and operation of radio apparatus on any ship may be prohibited within Canadian waters and whereby such apparatus may be sealed during the time of such prohibition;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend regulation 11 of the Defence of Canada Regulations (Consolidation) 1940, and it is hereby amended by inserting immediately after paragraph (2) thereof as paragraph (2A) the following,

“(2A) Notwithstanding anything contained in the Radio Act, 1938, or in the Canada Shipping Act, 1934, or in any regulation made under such Acts, the Minister of Transport may, in his discretion, by general or particular order, prohibit the use or operation of any radio apparatus on any ship within Canadian waters or any port or harbour of Canada, and he may direct that any or all of such apparatus, or office or room containing same, be sealed during the time such prohibition is effective, provided that if an office or room is sealed and temporary access thereto is required for purposes other than the use or operation of such apparatus the sealing officer may remove the seal and after such access reseal such office or room, and any one who contravenes any such order or who wilfully and without authority breaks or removes or attempts to break or remove the seal attached under directions as aforesaid shall be guilty of an offence against this paragraph of this regulation.”

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending P.C. 7520, 21st December, 1940 (Canteen Funds), management of funds

P.C. 1087

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 14th February, 1941.

The Committee of the Privy Council have had before them a report, dated 10th February, 1941, from the Associate Minister of National Defence, representing,—

That by Order in Council P.C. 7520 dated the 21st day of December 1940, a Committee was constituted for the purpose of enquiring into and making recommendations and report to the Minister of National Defence with reference to the profits arising from the operation of canteens and other auxiliary services;

That the said Order in Council was amended by Order in Council P.C. 224 on the 13th of January 1941 by the addition of His Honour Leonce Plante in place of Rodolphe DeSerres, Esquire, K.C., as a member of the said Committee;

That certain questions have arisen as to whether portions of the profits arising out of the operation of canteens and other auxiliary services, other than the portion of profits for which provision is now made under existing regulations and agreements should be paid into the presently existing Central Fund; and

That he is of the opinion that it would be advisable to determine as soon as possible what, if any, additional monies should be so paid into the said Central Fund; and in what manner the monies paid in may be most advantageously dealt with in reference to custody, investment and control thereof; and also the purposes for which the said fund shall be used and the policy and method of management which should be adopted in the utilization and distribution of the said fund both for the benefit of those persons who have served during the present war in His Majesty's armed Canadian forces and also for the benefit of the dependents of such persons.

The Minister, therefore, recommends that Order in Council P.C. 7520 be hereby amended by the addition to Paragraph 4 thereof of the following Subparagraph (c):

- (c) The question as to whether certain portions of the profits arising from canteens other than the portion of profits for which provision is now made under existing regulations and agreements should be paid to the Government of Canada; and in what manner such monies may be most advantageously dealt with in reference to custody, investment and control thereof; and the purpose for which such funds shall be used.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing the Minister of Munitions and Supply to
purchase for the Government of the Netherlands

P.C. 1118

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 14th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas paragraphs (a) to (g), inclusive, of subsection (1) of Section 6 of the Department of Munitions and Supply Act provide as follows:—

- “6. (1) The Minister may,
- (a) buy or otherwise acquire, manufacture or otherwise produce, finish, assemble, store and transport, and sell, exchange or otherwise dispose of, munitions of war and supplies;
 - (b) repair, maintain and service munitions of war and supplies;
 - (c) construct or carry out defence projects and sell, exchange or otherwise dispose of the same;
 - (d) purchase or otherwise acquire and sell, exchange or otherwise dispose of, any real or personal property or any interest therein which in the opinion of the Minister is or is likely to be necessary or desirable for the carrying out of any of the powers conferred upon the Minister by this Act, or by the Governor in Council;
 - (e) mobilize, control, restrict or regulate to such extent as the Minister may, in his absolute discretion, deem necessary, any branch of trade or industry in Canada or any munitions of war or supplies;
 - (f) With the specific or general authorization of the Governor in Council, from time to time, make, issue, amend and repeal all such orders, rules, regulations, permits and licences, as the Minister, in his discretion, may consider necessary or expedient for the exercise of any of the powers conferred upon him by this Act or by the Governor in Council and any such order, rule, regulation, permit or licence may be of general or particular application and failure to comply therewith shall constitute an offence under this Act;
 - (g) if authorized by the Governor in Council, exercise any of the powers contained in paragraphs (a) to (f), both inclusive, of this subsection for or on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, whether at the instance of or through the medium of the British Supply Board or otherwise and for or on behalf of any other of His Majesty's Governments or for or on behalf of the Government of the Republic of France or for or on behalf of the Government of any allied or associated power;”

And whereas the Government of the Netherlands (hereinafter sometimes referred to as “the Government”) has requested, in effect, that the Minister of Munitions and Supply may be authorized to exercise, from time to time, any of the powers contained in paragraphs (a) to (f), both inclusive, of said subsection (1) of Section 6 for or on behalf of the Government;

And whereas, for the more efficient prosecution of the war, it is desirable that the Minister of Munitions and Supply should be authorized accordingly.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Munitions and Supply and under and by virtue of the powers conferred by the Department of Munitions and Supply Act and the War Measures Act, is pleased to authorize and doth hereby authorize the Minister of Munitions and Supply to exercise, from time to time, any of the powers contained in paragraphs (a) to (f), both inclusive, of subsection (1) of Section 6 of the said Act for or on behalf of the Government of the Netherlands; provided that if the said Government shall request the Minister of Munitions and Supply to make payments for or on behalf of the said Government, the financial and accounting arrangements to be entered into shall be such as may be approved by the Minister of Finance.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations respecting motor vehicles—
appt. J. H. Berry, Motor Vehicle Controller

P.C. 1121

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 13th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the resources of Canada contributory to, and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas, under and by virtue of Section 6, subsection (1) (e) of the said Act, the Minister of Munitions and Supply may

“mobilize, control, restrict or regulate to such extent as the Minister may, in his absolute discretion, deem necessary, any branch of trade or industry in Canada or any munitions of war or supplies”;

And whereas it is deemed necessary to control, restrict and regulate the production, sale and distribution of Motor vehicles, with a view to conserving the financial, material and other resources of Canada and facilitating the production of munitions of war and supplies essential for fulfilling the present and potential needs of Canada and her Allies;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Munitions and Supply and pursuant to the powers conferred on the Governor in Council by the Department of Munitions and Supply Act and by the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to appoint and doth hereby appoint John Hatton Berry, Esquire, of the City of Ottawa, in the province of Ontario, Motor Vehicle Controller.

His Excellency in Council, on the same recommendation and under the above cited authority, is further pleased to make the following regulations respecting motor vehicles and they are hereby made and established accordingly:—

REGULATIONS RESPECTING MOTOR VEHICLES

1. For the purpose of these Regulations, except where the context otherwise requires:—

- (a) “Minister” shall mean the Minister of Munitions and Supply;
- (b) “Motor Vehicle Controller” or “Controller” shall mean the person from time to time appointed Motor Vehicle Controller by the Governor General in Council;
- (c) “motor vehicle” or “motor vehicles” shall mean any vehicle or vehicles, the motive power for which is furnished by any type of internal combustion engine, and any parts thereof, and shall include trailers, tires and other accessories for, and materials intended to go into the making of, such vehicles and/or trailers; but shall not include any self-tracklaying vehicle, tractor or railway rolling stock, or any implement or machine designed for sowing or cultivating agricultural land or harvesting crops grown thereon;
- (d) “make” shall include manufacture, fabricate, assemble and produce;
- (e) “making” shall include manufacturing, fabricating, assembling and producing;
- (f) “made” shall include manufactured, fabricated, assembled and produced;
- (g) “deal in” shall include deliver, distribute, transport, store, acquire, exchange, buy, sell and exhibit for sale;
- (h) “dealing in” shall include delivering, distributing, transporting, storing, acquiring, exchanging, buying, selling and exhibiting for sale;
- (i) “dealt in” shall include delivered, distributed, transported, stored, acquired, exchanged, bought, sold and exhibited for sale;
- (j) “person” shall include firm, corporation, company, partnership and/or any aggregation of persons;
- (k) “order” shall mean any order, regulation, licence, permit, prohibition, requirement, direction or quota, made or established by the Controller or by the Minister;
- (l) “trailers” shall mean any vehicles (including side cars) designed to be attached to and drawn by a motor vehicle.

2. The Motor Vehicle Controller shall have power:—

- (a) To issue and reissue permits and licences to any person making and/or dealing in motor vehicles, to suspend, cancel or refuse to issue any such permit or licence whenever the Controller deems it to be in the public interest to do so, and, subject to the approval of the Minister, to fix the fees payable for the issue of such permits and licences, and to prescribe the manner, procedure, terms and conditions under which such permits and licences shall be obtained.
- (b) To prohibit any or every person, unless licensed by the Controller, from making or dealing in any motor vehicle or motor vehicles, either entirely, or to such extent as the Controller may direct.
- (c) Subject to the approval of the Minister, to establish a quota or quotas prescribing the kind or kinds, type or types, model or models of motor vehicles, and/or the number of any such kind, type or model that may be made and/or dealt in by any person during any period or periods that may be fixed by the Controller.
- (d) Subject to the approval of the Minister, to prohibit any person from making and/or dealing in any kind or kinds, type or types, model or models of motor vehicles, except in accordance with any quota or quotas so established unless the Controller shall have issued a permit therefor,

specifying the manner in which such motor vehicles may be made and/or dealt in contrary to such quota and/or the kinds, types or models and the number of each, that may be so made and/or dealt in contrary to such quota.

- (e) Subject to the approval of the Minister, from time to time, fix maximum prices or maximum mark-ups at which different kinds, types or models of motor vehicles may be sold or offered for sale by any person.
- (f) To take possession of, allocate, and generally to deal in motor vehicles.
- (g) To enter on any land and into any plant, factory, shop, warehouse, store, sales room, building, or places, or to authorize any agent to do so, for the purpose of inspecting any motor vehicles and to take possession of any such motor vehicles.
- (h) To prohibit or restrict, under such conditions as the Controller may fix, any or every person from constructing any alterations or additions to any plant, factory, shop, warehouse, store, sales room, building or place ordinarily used for making and/or dealing in motor vehicles, unless under licence or permit issued by the Controller.
- (i) To require any person making, dealing in, owning, having power to dispose of, or being in possession of motor vehicles to produce to any person authorized in writing for the purpose by the Controller, any specified books and/or documents and to permit the person so authorized to make copies of, or to take extracts from, any such books and/or documents, and, when the Controller deems necessary, to yield up such books and/or documents to the Controller or the person so authorized.
- (j) To require, from time to time, any person, making, dealing in, owning, having power to dispose of, or being in possession of any motor vehicles, to furnish, in such form and within such time as the Controller may prescribe, written returns under oath or affirmation, showing such information as the Controller may specify.
- (k) To give directions to any person making, dealing in, owning, having power to dispose of, or being in possession of motor vehicles, requiring such person to make, deal in or dispose of such motor vehicles in such manner as the Controller may specify, and in priority to any other business of such person, or otherwise as may be specified, and notwithstanding any contract or agreement made by such person with any other person, or that work has been begun and partially completed under any such contract or agreement.
- (l) Subject to the approval of the Governor General in Council, to advance monies to any person engaged in the business of making and/or dealing in motor vehicles for the purpose of assisting such person in the carrying on of such business.

3. If the Controller takes possession of any motor vehicles or if the Minister determines that any person is entitled to compensation by reason of any order, or by reason of anything done under these Regulations Respecting Motor Vehicles then the compensation, if any, to be paid in respect thereof shall be such, in the case of Motor Vehicles, as is prescribed by the Controller with the approval of the Minister, and, in other cases, shall be such as is determined by the Exchequer Court on reference thereto by the Minister.

4. Any person who contravenes or fails to observe any order or who, in any manner hinders or obstructs the Controller in the exercise of his powers, shall be guilty of an offence under the Department of Munitions and Supply Act.

5. Where the failure to fulfil any contract, whether made before or after the date of the Order in Council of which these Regulations Respecting Motor Vehicles form a part, is due to the compliance on the part of any person with any order, proof of that fact shall be a good defence to any action or proceeding in respect of such failure.

His Excellency in Council is hereby further pleased to direct that the administration expenses (including actual out-of-pocket expenses for travelling, of himself or anyone acting under his authority) incurred by the said John Hatton Berry in the exercise of the powers, or in connection with the duties, aforesaid, be paid out of the funds provided and allotted to the Department of Munitions and Supply, under the War Appropriation Act.

A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council restricting export from Canada of certain articles

Canada Gazette (Extra) 13th February, 1941

P.C. 1124

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 13th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, represents that it is considered desirable that steps should be taken to provide for the control of the exportation from Canada of certain articles, in addition to those mentioned in Orders in Council P.C. 2785 dated September 20th, 1939, P.C. 287 dated January 23rd, 1940, P.C. 5994 dated October 26th, 1940 and P.C. 488 dated January 22nd, 1941, deemed capable of being converted into or made useful in the production of arms, ammunition or military, naval and air stores and in order to carry out more effectively the Regulations respecting Trading with the Enemy 1939;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, concurred in by the Minister of National Revenue, and under and by virtue of the power vested in the Governor in Council by Section 290 of the Customs Act as enacted by Section 10, Chapter 24 of the Statutes of 1937, is pleased to order and it is hereby ordered as follows:—

1. No person shall export any of the articles enumerated and described hereunder without first having obtained a permit issued by, or on behalf of, the Minister of National Revenue, namely:

Wheat;

Wheat flour;

Petroleum and gas well equipment and parts, including well drilling machinery and parts;

Petroleum refining machinery and parts.

2. Applicants for permits shall furnish in respect of each proposed shipment for export information in writing in the manner and form approved by the Minister of National Revenue, setting forth details as to the seller, purchaser, consignor, consignee, description, quantity, value and specific purpose of the proposed shipment or of the articles proposed to be exported, port to which goods would be consigned and vessel by which they would be carried.

3. Export permits issued hereunder shall not be transferable and shall be subject to revocation at any time without notice.

4. This Order shall come into force on the date of publication thereof in the *Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council extending powers under The Patents, Designs, Copyright
and Trade Marks (Emergency) Order 1939**

P.C. 1125

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 14th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under statutes of the United States of America and more particularly by an Act of Congress entitled "An Act to expedite the strengthening of the national defense" approved July 2, 1940, the President of the United States has issued Proclamations prohibiting the export of certain articles and materials except under license;

And whereas in the President's Proclamations of 12th September, 1940, and 20th December, 1940, it is provided, among other things, that plans, specifications or other documents containing descriptive or technical information of any kind useful in the design, construction or operation of certain specified equipment and processes may not be exported except under license;

And Whereas by section 26 of the Patent Act, 1935, a patent in Canada may only be granted if the invention has not been described in a patent granted in any other country more than two years before the presentation of a petition in Canada;

And whereas by section 27 of The Patent Act, 1935, certain priority dates are accorded to patent applications filed by persons entitled to protection under the terms of any treaty or convention relating to patents to which Canada is a party who has previously regularly filed an application for a patent for the same invention in another country which affords a similar privilege to citizens of Canada, provided the application in Canada is filed within a prescribed period; and that the United States of America is a country to which this section applies;

And whereas section 9 of the Patents, Designs, Copyright and Trade Marks (Emergency) Order 1939, empowers the Commissioner of Patents to extend the time limited by or under The Patent Act, 1935, for doing any act, where he is satisfied that the doing of the act within the time so limited was prevented by

a person's being on active service or by any other circumstances arising from the existence of a state of war which, in the opinion of the Commissioner, justify an extension of the time so limited;

And whereas the Secretary of State reports that cases have arisen where inventors in the United States have not been able to obtain export licences for their plans and specifications and thus have jeopardized their rights to apply for a patent under section 26 of The Patent Act, 1935, or to obtain the benefit of a priority date under section 27 of the said Act; and

That it is questionable, since the United States of America is not at war, whether the discretionary powers conferred on the Commissioner of Patents by section 9 of The Patents, Designs, Copyright and Trade Mark (Emergency) Order 1939 may be exercised on the ground that the delay is caused by circumstances arising from the existence of a state of war.

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order and it is hereby ordered that the powers conferred upon the Commissioner of Patents under section 9 of The Patents, Designs, Copyright and Trade Marks (Emergency) Order 1939 may be exercised by him in respect of patent applications and other proceedings where he is satisfied that the filing of the application or the doing of any other act within the time limited by or under The Patent Act, 1935, has been prevented by reason of compliance with laws, proclamations or regulations in force in the United States of America; and

That the Commissioner of Patents may exercise the said powers in respect to these matters as if this Order had been made on the 12th September, 1940.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing a Plan in respect of Priorities re War Requirements

Canada Gazette (Extra) 27th February, 1941

P.C. 1169

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of examining into, organizing and mobilizing the sources of supply of munitions of war and supplies, and the agencies and facilities available for the supply of the same, and of providing for the fulfilment of the needs, present and prospective, of the Government and the community in respect thereto, and of mobilizing, conserving and co-ordinating all economic and industrial facilities available in respect of munitions of war and supplies;

And whereas, by virtue of Section 6 of the said Act the Minister of Munitions and Supply, among other things may

- “(e) mobilize, control, restrict or regulate to such extent as the Minister may, in his absolute discretion, deem necessary, any branch of trade or industry in Canada or any munitions of war or supplies,” and
- “(h) do all such things as appear to the Minister to be incidental to or necessary or expedient for the exercise of any of the powers conferred upon him by this Act or by the Governor in Council”;

And whereas by Order in Council P.C. 6601 of 16th November, 1940, the Wartime Requirements Board was required to formulate such plan or plans as may be necessary to ensure that war needs in the order of their importance shall have priority over all other needs;

And whereas the Wartime Requirements Board, pursuant to the requirement of the said Order in Council has formulated the plan set forth in Schedule “A” hereto, and represents that the adoption of such Plan is in the public interest and essential to the proper co-ordination of the war effort of the country;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the powers conferred upon the Governor in Council by the Department of Munitions and Supply Act and by the War Measures Act, is pleased to order and it is hereby ordered,—

1. That the Plan in respect of Priorities set forth in Schedule “A” hereto be and it is hereby established and put into effect.
2. That any person who contravenes or fails to observe or conform to any part or provision of said Plan, or the terms of any order, direction, regulation, permit, prohibition, licence or requirement issued or made pursuant to such Plan by the Minister of Munitions and Supply, or by the Priorities Officer therein referred to, or who, in any manner, hinders or obstructs such Priorities Officer in the exercise of his powers, shall be guilty of an offence under the Department of Munitions and Supply Act.
3. That where the failure to fulfil any contract, whether made before or after the date of this Order in Council, is due to the compliance on the part of any person with any such order, direction, regulation, permit, prohibition, licence or requirement as aforesaid, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

SCHEDULE “A”

PLAN IN RESPECT OF PRIORITIES

THE WARTIME REQUIREMENTS BOARD RECOMMENDS THAT:

1. Unless the context otherwise requires, whenever used in this Plan
 - (a) “Munitions” shall have the meaning given to the words “munitions of war” by Section 2 (d) of the Department of Munitions and Supply Act;
 - (b) “supplies” shall have the meaning set forth in Section 2 (e) of the Department of Munitions and Supply Act;
 - (c) “the Minister” shall mean the Minister of Munitions and Supply;
 - (d) “Officer” or “Priorities Officer” shall mean the Director General of the Priorities Branch of the Department of Munitions and Supply or such other Priorities Officer as shall be appointed hereunder by the Minister, and his successors in office;

- (e) "His Majesty" shall mean and include His Majesty in right of Canada, and in right of the United Kingdom, and in right of any other Dominion or part of the British Empire and shall also include any of His Majesty's Allies in the present war.
- (f) "person" shall include company, corporation, firm, partnership and any aggregation of persons.

2. The intent and purpose of this Plan is

- (a) to ensure that the war requirements of His Majesty, in order of their importance, shall have priority over all other requirements; and
- (b) to determine, whenever necessary, priorities of production, transport and delivery, and the amount, number, quantity or proportions of any munitions and/or supplies or of any specified article or articles to be made immediately accessible to the various purchasing agencies of His Majesty and to industries, when such amount, number, quantity, or proportions of such munitions and/or supplies or of such article or articles, in the opinion of the Minister, is insufficient, either temporarily or permanently, to meet such war requirements of His Majesty.

3. The Minister may at any time, or from time to time, alter amend, vary, modify, add to, cancel, or restore any of the provisions of this Plan, or any part or parts thereof, and such alterations, amendments, variations, modifications, additions, cancellations and restorations shall have effect as from such date or dates as may be determined by the Minister.

4. The Minister shall appoint a Priorities Officer, to carry out this Plan.

5. (a) The Officer, in accordance with the intent and purpose of this Plan, and with the concurrence of the Interservice Committee on Priorities of the Canadian Naval, Military and Air Forces of His Majesty, shall list such of the wartime requirements of His Majesty for munitions and/or supplies as he may deem necessary, with a view to providing for

- (i) any actual, apparent or anticipated shortage thereof, and
- (ii) their orderly, efficient, continuous and prompt supply in accordance with the order of their importance and the urgency with which any of them are required;

and may subdivide and classify such requirements as he may think advisable, and, from time to time, may amend such list.

- (b) The Officer shall forthwith submit for approval to the Minister, such list and any amendments thereto made by him from time to time, and such list and such amendments shall not have effect until the Minister shall have given his approval thereto.

6. (a) The Officer may issue such general and/or special orders as he may deem necessary in order to provide, in accordance with the intent and purpose of this Plan

- (i) for the munitions and/or supplies required for any of the fighting services and/or directly required in any other way to fulfil the needs of His Majesty; and
- (ii) for the munitions and/or supplies required indirectly for the purposes stated in the preceding Sub-Paragraph (i) of this clause; and
- (iii) that, in so far as possible, and consistent with the intent and purpose of this Plan, there shall be no interruption of the supply of things essential for the welfare of the civil life of the community in time of war.

- (b) The Officer may require any person, owning, operating or in control or charge of any factory, plant, machine, vehicle or other facilities for making, fabricating, processing, assembling, producing, delivering or transporting any article, commodity or thing, to utilize the same as the Officer may direct, and in priority to the necessities or requirements of any other person, and notwithstanding any contract or agreement or that work has been begun and partially completed under any such contract or agreement with any such other person.
- (c) Where, by reason of this Plan, or anything done hereunder, there is or is likely to be, in the opinion of the Officer, any interruption in the supply or production of articles, commodities or things, essential for the welfare of the civil life of the community, or which are to be exported, the Officer shall, from time to time, issue such orders as he may deem necessary to ensure that the requirements of industries for the supply or production of such articles, commodities or things shall have, in so far as practicable, priority over requirements for the supply or production of other articles, commodities or things.
- (d) Each month the Officer shall submit for approval to the Minister all general and/or special orders made by him as aforesaid, and any amendments thereto made by him, from time to time. Such orders and amendments shall, however, have effect from the date thereof unless the Minister shall refuse to give his approval thereto.

7. Except by virtue of a permit issued by the Officer as hereunder provided:

- (a) no person shall make, fabricate, process, assemble, produce, deliver or transport any munitions and/or supplies included, in any list issued by the Officer by virtue of Clause 5 hereof, or in any amendment thereto, except in accordance with the order of priority fixed in such list; and
- (b) no person shall make, fabricate, process, assemble, produce, deliver or transport any munitions and/or supplies or any other article, commodity or thing contrary to the provisions of any general or special order issued by the Officer by virtue of Clause 6 hereof.

8. (a) The Officer may, in his discretion, issue to any person who shall apply for the same

- (i) a permit or permits to obtain munitions and/or supplies in priority to any other person; or
- (ii) a permit or permits to make, fabricate, process, assemble, produce, deliver or transport any munitions and/or supplies or any other article, commodity or thing which by reason of this Plan or anything done thereunder cannot be so made, fabricated, processed, assembled, produced, delivered or transported without obtaining such a permit.

(b) Each month the Officer shall submit to the Minister a list of all permits issued by him with such further details as the Minister may require, and, if the Minister so directs, any permit or permits so issued shall be cancelled by him.

9. The Minister may from time to time issue such general or special orders and regulations as he may consider necessary to give effect to the general intent and purpose of this Plan.

Order in Council amplifying powers of Steel Controller (P.C. 2742,
24th June, 1940)

P.C. 1170

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 17th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2742 dated the 24th day of June, 1940, Hugh Day Scully, Esquire, of the City of Ottawa, was appointed Steel Controller and Regulations Respecting Steel were made and established;

And whereas it is deemed necessary that the Steel Controller be given the further and additional powers hereinafter mentioned;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the powers conferred on the Governor in Council by the Department of Munitions and Supply Act and by the War Measures Act, is pleased to amend the said Order in Council P.C. 2742, dated 24th June, 1940, and it is hereby amended as follows:

1. By rescinding Sub-Paragraph (b) of Section 1 of the Regulations Respecting Steel, and substituting in place thereof, the following:
“(b) “Steel” shall mean and include all steel, commonly so called, in any form, and also, without restricting the generality of the foregoing, shall include iron ore, and all iron metal and all alloys of iron and carbon, with or without other metals, and any raw materials (except coal and coke) and scrap metals which go into the making of steel.”
2. By rescinding Sub-Paragraph (f) of Section 2 of the Regulations Respecting Steel, and substituting in place thereof the following:
“(f) Subject to the approval of the Minister, to fix, limit or establish the quantity, quality, kinds, types or grades of steel which may be made, fabricated, processed, used, bought, sold, distributed or transported by or to any person, firm or corporation within any specified period or periods of time; and, subject to such approval, to prohibit the making, fabrication, processing, use, purchase, sale, distribution, or transportation of steel in excess of the quantities so fixed or limited, or of qualities, kinds, types, or grades differing from those so established.”
3. By adding to Section 2 of the Regulations Respecting Steel the following additional sub-paragraph:
“(c) To prescribe the uses and purposes, to and for which steel may be put or used and to prohibit its use for any purpose which the Steel Controller may specify.”

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing Regulations Respecting Oil (P.C. 2818,
28th June, 1940)

Canada Gazette (Extra), 27th February, 1941

P.C. 1195

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 19th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of The Department of Munitions and Supply Act, the Minister of Munitions and Supply has, among other duties, the duties of organizing the resources of Canada contributory to and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions and supplies for the effective prosecution of the present war;

And whereas it is deemed necessary to conserve, co-ordinate and regulate the oil, petroleum and other related resources and industry of Canada, in order to fulfil the present and potential needs of Canada and her Allies in the present war;

And whereas by Order in Council P.C. 2818 of 28th June, 1940, for such purpose, George Richardson Cottrelle, Esquire, of the City of Toronto was appointed Oil Controller, and certain Regulations Respecting Oil were made and established;

And whereas the Oil Controller represents that, for the purpose of rendering more effective the intent of the said Order in Council P.C. 2818 of 28th June, 1940, it is advisable to rescind such Regulations Respecting Oil, and to make and establish other Regulations in the place and stead thereof;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the powers conferred on the Governor in Council by The Department of Munitions and Supply Act, and by the War Measures Act, is pleased to order as follows:—

The Regulations Respecting Oil, numbered (1) to (4), both inclusive, and set forth in the said Order in Council, P.C. 2818 of 28th June, 1940, are hereby rescinded, and the Regulations Respecting Oil hereinafter set forth are hereby made and established in the place and stead thereof. In all other respects the said Order in Council P.C. 2818 of 28th June, 1940, is confirmed:—

REGULATIONS RESPECTING OIL

- (1) Wherever used in these Regulations,
- (a) "Minister" shall mean the Minister of Munitions and Supply;
- (b) "oil" shall mean and include oil, petroleum, lubricating oil, fuel oil, gasoline, kerosene, naphtha, asphalt, bitumen and all derivatives therefrom and by-products thereof; also any chemical, mineral, product and other material or substance required for the production, manufacture, processing or refining of any oil or petroleum or any of the derivatives therefrom or by-products thereof; also benzol; also any product (whether or not distilled or recovered from petroleum), which, by combustion, develops the power required to operate internal com-

bustion engines; also any product used alone or in combination with any other substance in the radiator or cooling system of internal combustion engines to prevent freezing and commonly known as anti-freeze and particularly including ethylene glycol;

- (c) "Oil Controller" shall mean the person from time to time appointed as such by the Governor in Council;
 - (d) "Deputy Oil Controller" shall mean any person from time to time appointed as such by the Governor in Council;
 - (e) "equipment" shall mean and include anything used or capable of being used for or in connection with mining, drilling for, producing, manufacturing, processing, refining, storing, containing, dispensing, selling, buying, shipping, transporting, conveying, delivering, distributing, using, consuming, or otherwise finding or dealing in or with oil in any manner or for any purpose;
 - (f) "dealing in or with oil" shall mean and include mining, drilling for, producing, manufacturing, processing, refining, storing, dispensing, selling, buying, shipping, transporting, conveying, delivering, distributing, using, consuming or otherwise finding or dealing in or with oil in any manner or for any purpose;
 - (g) "person" shall include company, corporation, partnership, or any number or aggregation of persons;
 - (h) words in the singular shall include the plural, and words in the plural shall include the singular.
- (2) The Oil Controller shall have power, exercisable from time to time,
 - (a) To take possession of or otherwise acquire any oil, wherever found, and to engage generally or particularly in any dealing in or with oil.
 - (b) To enter on any land and into any plant, factory, building or place for the purpose of inspecting or locating oil;
 - (c) To enter on, take possession of and utilize any undertaking, land, plant, refinery, factory, building or place used or capable of being used for any dealing in or with oil, and also to take possession of and utilize any equipment for the purpose of operating same or for any other purpose including the transportation of oil;
 - (d) Subject to the approval of the Minister, to fix or regulate the price or fix the maximum price or the minimum price at which oil may be sold or offered for sale in any place, area or zone by or to any person or class of persons and for such purpose to designate any such person or class of persons or any such place, area or zone;
 - (e) To prohibit or regulate any practice or mode of dealing in or with oil or related thereto or used or followed in connection therewith which, in the judgment of the Oil Controller, would or might increase or tend to increase the price of oil to any person or class of persons or which would or might affect or tend to affect the orderly purchase, sale or distribution of oil;
 - (f) Subject to the approval of the Minister, to fix or limit the quantity of any oil which may be bought, sold or distributed by or to any person or class of persons either generally or for any specified use and either generally or within specified periods of time and to prohibit the sale, purchase, distribution or use thereof in excess of the quantities so fixed or limited;

- (g) To issue and reissue licences to any person or class of persons dealing in or with oil, and to suspend, cancel or refuse to issue any such licence whenever the Oil Controller deems it to be in the public interest to do so and, subject to the approval of the Minister, to fix the fees payable for the issue of such licences and to prescribe the manner, procedure, terms and conditions under which such licences shall be obtained;
- (h) To prohibit any person or class of persons from any dealing in or with oil unless licensed so to do by the Oil Controller;
- (i) To prohibit or regulate the construction of, or the making of any structural or other change or addition to, any undertaking, building, factory, structure or plant used or to be used for or in connection with any dealing in or with oil;
- (j) To prohibit or regulate the use of any land, building, structure, place or location for the purpose of any dealing in or with oil;
- (k) To prohibit or regulate the installation, use, purchase, sale, distribution or other dealing with any equipment used or capable of being used for or in connection with any dealing in or with oil by any person or class of persons;
- (l) To prohibit any person or class of persons from selling, buying, leasing, lending, borrowing, distributing or otherwise dealing in or with equipment, either directly or indirectly, or from participating in any such dealing in or with equipment;
- (m) To prohibit any person or class of persons from negotiating for or from acquiring by lease, purchase, option, agreement or otherwise howsoever any real or personal property, including equipment, for use in or in connection with any dealing in or with oil and also from assisting or enabling in any manner any other person so to do;
- (n) To construct or make or to require any person to construct or make any structural change in or addition to or to provide or to require any person to provide any equipment in any undertaking, plant, refinery, factory, building or place for the purpose of or to be used in any way in connection with any dealing in or with oil;
- (o) To regulate, fix and determine the type, grade, quality or quantity of any oil to be mined, drilled for, produced, manufactured, processed, refined, stored, transported, exported, imported, sold, purchased, distributed or otherwise dealt in or with by any person or class of persons in any place, area or zone designated by the Oil Controller and to prohibit any dealing in or with any oil otherwise;
- (p) To order or require any person owning or having power to dispose of or being in possession of or dealing in or with oil, to produce to any person, authorized for the purpose by the Oil Controller in writing, all or any books, records or documents and to permit the person so authorized to make copies of or take extracts from the same and, when the Oil Controller deems necessary to remove and retain any such books, records or documents;
- (q) To order or require any person having power to dispose of or being in possession of or dealing in or with oil or dealing in or with equipment or any agent, employee or representative of any such person to furnish in such form and within such time as the Oil Controller may prescribe such facts, data or information as the Oil Controller may deem necessary and the Oil Controller may at his discretion require the same to be furnished under oath or affirmation;

- (r) Subject to the approval of the Minister, to enter upon and conduct any investigation or inquiry which, in the judgment of the Oil Controller, is necessary to obtain any information within the possession or knowledge of any person owning or having power to dispose of or being in possession of or dealing in or with oil, or dealing in or with equipment, or of any agent, employee or representative of any such person, and for such purpose the Oil Controller shall have and exercise all the powers of a Commissioner duly appointed under Part I of The Inquiries Act, being Chapter 99 of the Revised Statutes of Canada 1927 and amending Acts and may engage the services of any person as provided in section 11 of the said Act;
- (s) To order or require any person owning or having power to dispose of or being in possession of or dealing in or with oil or dealing in or with equipment to mine, drill for, produce, manufacture, process, refine, store, dispense, sell, buy, ship, transport, convey, deliver, distribute, use, consume or otherwise deal in or with any such oil or any equipment in such manner as may be so ordered or required, and, if ordered or required so to do, in priority to any other business of such person;
- (t) Subject to the approval of the Governor in Council to advance moneys to any person engaged in the business of mining, drilling for, producing, manufacturing, processing, refining, storing or transporting oil for the purpose of assisting such person in the carrying on of such business;
- (u) To regulate and control, by prohibition or otherwise, any or all dealings and transactions between any person or class of persons dealing in or with oil and any other such person or class of persons in respect of or in connection with any dealing in or with oil or the acquisition and use of any real or personal property, including equipment, for or in connection therewith.
- (3) If the Oil Controller takes possession of any oil or of any real or personal property or if the Minister determines that any person is entitled to compensation by reason of any Order or requirement of the Oil Controller, then the compensation to be paid in respect thereof, in default of agreement, shall be such, in the case of oil, as is prescribed and determined by the Oil Controller with the approval of the Minister and, in other cases, shall be such as is determined by the Exchequer Court on reference thereto by the Minister.
- (4) Any person who contravenes or fails to observe any order, regulation, prohibition or requirement of the Oil Controller, whether general or specific, or in any manner hinders or obstructs the Oil Controller in the exercise of any of his powers shall be guilty of an offence under the Department of Munitions and Supply Act and shall be liable to the penalties imposed by section 20 of that Act.
- (5) If any person contravenes or fails to observe any order, regulation, prohibition or requirement of the Oil Controller, whether general or specific, then and in such case and in addition to or in substitution for the penalties provided in the foregoing paragraph (4), the Oil Controller shall have power by his order to prohibit and restrain such person from dealing in or with oil or from using or dealing in or with any equipment at any place or in any area or zone specified by the Oil Controller and for such period of time as the Oil Controller may order and, to this end, the Oil Controller may order such acts and things to be done or omitted as he may deem necessary to prevent or preclude the use of any place or equipment in breach of any such prohibition, and in particular may prohibit the sale or supply of any oil to such person.

(6) Where the failure to fulfil any contract, whether made before or after the date of this Order in Council, is due to the compliance on the part of any person with any order, regulation, prohibition or requirement of the Oil Controller, proof of that fact shall be a good defence to any action or proceeding in respect of such failure.

(7) A Deputy Oil Controller shall have and exercise any and all powers conferred on the Oil Controller subject to any restriction thereof which the Oil Controller may from time to time impose and subject in all cases to review by the Oil Controller.

(8) The Oil Controller shall have power from time to time to delegate in writing to any person any of the powers conferred on the Oil Controller and such person shall have full power and authority to exercise the powers so delegated, but the exercise of any power so delegated shall be subject in all cases to review by the Oil Controller.

(9) The Oil Controller, any Deputy Oil Controller and any person acting for or on behalf of or under the authority of the Oil Controller shall not be or become liable to any person for anything done or omitted in the exercise or purported exercise of any power or authority from time to time vested in the Oil Controller.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council extending powers of Committee on Demobilization
(P.C. 4068½, 8th December, 1939)**

Canada Gazette (Extra) 27th February, 1941

P.C. 1218

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17th February, 1941.

The Committee of the Privy Council have had before them a report, dated 12th February, 1941, from the Right Honourable W. L. Mackenzie King, the Prime Minister, representing that by Order in Council of the 8th December, 1939 (P.C. 4068½) a special Committee of the Cabinet was constituted to procure information respecting and give full consideration to and report regarding the problems which will arise from the demobilization and the discharge from time to time of members of the Forces during and after the conclusion of the present war, and the rehabilitation of such members into civil life;

That certain of the special Committee's duties were more specifically defined by the said Order in Council and include,

“(d) to consult from time to time Provincial and Municipal Governments and public service organizations and Canadian citizens interested in such problems;

“(e) to make recommendations as to the organization and composition of representative national and local Committees to co-operate with the Government in meeting the problems of rehabilitation and re-establishment;”

That the said Committee has reported that the problem of the rehabilitation of ex-service men is a part of the general question of post-war reconstruction; and that it is the opinion of the Committee that the scope of its duties should be enlarged to include an examination and discussion of the general question of post-war reconstruction, and to make recommendation as to what Government facilities should be established to deal with this question.

The Committee, therefore, on the recommendation of the Prime Minister, advise that the terms of reference of Order in Council of the 8th December, 1939 (P.C. 4068½) be amended by the addition after paragraph (g) of the following paragraph:—

- (h) having regard to sections (d) and (e) herein, to examine and discuss the general question of post-war reconstruction, and to make recommendation as to what Government facilities should be established to deal with this question.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

PRIVY COUNCIL

NOTICE

Notice is hereby given that by Order in Council P.C. 1223 of the 19th day of February, 1941, passed pursuant to the provisions of regulation 39C of the Defence of Canada Regulations (Consolidation) 1940, "The Finnish Society" has been declared to be an illegal organization.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing temporary terminal storage facilities for wheat

P.C. 1225

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 19th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Trade and Commerce reports that the Sub-Committee of the Cabinet on Wheat has been giving consideration to the urgent necessity of providing additional temporary terminal storage facilities for wheat produced in the Western Division during 1940 and 1941, and in this connection has conferred with the members of the Board of Grain Commissioners for Canada, The Canadian Wheat Board and with representatives of elevator operating companies;

That as a result of the consideration given to the matter, it would appear to the Sub-Committee aforesaid, to be desirable that temporary terminal storage facilities to take care of approximately fifty million bushels at Fort William-Port Arthur should be provided which space will be required for the balance of the 1940 crop and to make some provision for the 1941 crop;

That the country elevator space, including annexes constructed under arrangement made at the commencement of the 1940-41 crop year, is in use and it seems desirable that any further temporary storage should be created adjacent to terminal elevators equipped with cleaning, drying and other necessary equipment so that the additional grain may be cleaned and otherwise properly treated before being stored;

That a firm of consulting engineers, after full consideration, advises that the most economical and practical type of temporary terminal storage facilities would consist of temporary timber warehouses which may have concrete floors, but which shall have no super-structure other than a wooden one; and

That elevator companies operating terminal elevators at Fort William and Port Arthur have indicated their willingness to construct, at their own cost, the necessary temporary terminal storage facilities, provided that they are assured that all tariff charges now prevailing will be continued without any reduction until the 31st day of July, 1943, and provided further that they are assured that the Minister of National Revenue will allow each company to write off as depreciation fifty per centum (50%) of the actual cost of construction of the temporary terminal storage facilities in the company's fiscal year ending in the year 1942 and fifty per centum (50%) in the company's fiscal year ending in the year 1943, provided that where the fiscal year of any of the companies ends with the calendar year the Minister may give special directions as to the period of the write off, and further, that the Canadian Wheat Board will at any time up to the 31st day of July, 1943, upon reasonable notice, arrange for the provision of storage facilities for any wheat stored in such temporary terminal storage facilities which it may be necessary for any of the reasons set out in The Canada Grain Act to remove from such temporary terminal storage facilities.

Now, therefore, His Excellency the Governor General in Council, on the recommendation to the Minister of Trade and Commerce, concurred in by the Sub-Committee of the Cabinet aforesaid, under the authority of the War Measures Act and notwithstanding anything contained in The Canada Grain Act, is pleased to order and doth hereby order that in the case of elevator companies entering into the agreements hereinafter referred to for the construction of temporary terminal storage facilities as aforesaid, no reduction shall be made before the 31st day of July, 1943, in the prevailing tariff charges now authorized to be made by elevator companies for the elevation, storage and handling of grain by terminal or country elevators.

His Excellency in Council, on the same recommendation, under the authority above cited, and notwithstanding anything contained in the Income War Tax Act, is further pleased to order and doth hereby order that the allowance on account of depreciation for income tax purposes to be made by the Minister of National Revenue in case of any elevator operating company which constructs temporary terminal storage facilities as aforesaid, in respect of such facilities, shall be fifty per centum (50%) of the cost thereof in the company's fiscal year ending in the year 1942 and fifty per centum (50%) in the company's fiscal year ending in the year 1943, provided that where the fiscal year of any of the companies ends with the calendar year the Minister of National Revenue may give special directions as to the period of the write-off, provided, however, that no depreciation shall be allowed on account of these temporary terminal storage facilities in respect of any subsequent year and provided further that the Minister of National Revenue shall hereafter allow elevator operating companies constructing temporary terminal storage facilities as herein provided, to make deductions on account of depreciation for income tax purposes in the case of their present permanent terminal storage facilities at the same rate or rates as shall be applied by the Minister of National Revenue in the case of permanent terminal facilities hereafter constructed, and further that if at any

later time the said the Minister of National Revenue permits the cost of temporary terminal storage facilities otherwise constructed to be written off on a more favourable basis, the same permission will be extended to each of the said companies.

His Excellency in Council is further pleased to order that the provisions hereof shall take effect only after Elevator Companies have filed Agreements with The Canadian Wheat Board covering temporary terminal storage facilities having a capacity of approximately fifty million bushels of wheat, and after The Canadian Wheat Board has entered into Agreements with Elevator Companies providing for the monthly payment by The Canadian Wheat Board of all charges payable in respect of its wheat stored in temporary terminal storage aforesaid up to and including the 31st day of July, 1943, and also providing that each of the Companies will after the said 31st day of July, 1943, on the request of the Dominion Government and the said The Canadian Wheat Board enter into such Agreement (upon the basis of payment of reasonable remuneration for such operation) as may be mutually satisfactory in the light of the operating experience gained by the Company during the period up to the said 31st day of July, 1943, for the operation of its said temporary terminal storage facilities during the balance of the time such facilities are operated.

His Excellency in Council is also pleased to order and doth hereby order and direct that the above terms of Agreement shall be applied to terminal elevator operators in Eastern Canada who construct temporary terminal storage facilities of the type of construction described above except that the rate of storage paid for wheat stored in Eastern temporary terminal storage facilities shall be the same as the rate paid at Fort William-Port Arthur.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council respecting claims for payment—supplies, etc., in respect of a lost ship

P.C. 50/1248

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 19th February, 1941.

The Board has had under consideration a memorandum from the Honourable the Minister of National Defence for Naval Services reporting:

1. That, recently, several ships of the Royal Canadian Navy have been lost at sea and other ships may be lost, either through accident, Acts of God, or enemy action;
2. That, in some cases, where supplies or stores are purchased at a port of call, the ship does not remain in port long enough to permit receipt of the invoices, checking and making payment and accordingly it is necessary to settle the claims after the ship and her officers have been lost;
3. That consequently there is no officer with knowledge of the circumstances who is in a position to certify the claims for payment as provided in Section 30 of The Consolidated Revenue and Audit Act, as amended, and there may be no existing records from which such information can be obtained.

Accordingly, on the recommendation of the Minister of National Defence for Naval Services, the Board, under the terms of the War Measures Act, recommend that to enable payment to be made promptly on outstanding claims against the public in respect of a lost ship, the Comptroller of the Treasury be authorized to accept as fulfilling the provisions of Section 30 of The Consolidated Revenue and Audit Act, as amended, the certificate of the Head of the Branch of the Naval Services responsible for the issue of supplies or stores subject to statutory declaration by the contractor that the goods have been delivered and payment has not been made.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing the Minister of Munitions and Supply to purchase for the Government of Greece

P.C. 1250

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 19th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas paragraphs (a) to (g), inclusive, of subsection (1) of Section 6 of the Department of Munitions and Supply Act provide as follows:—

“6. (1) The Minister may,

- (a) buy or otherwise acquire, manufacture or otherwise produce, finish, assemble, store and transport, and sell, exchange or otherwise dispose of, munitions of war and supplies;
- (b) repair, maintain and service munitions of war and supplies;
- (c) construct or carry out defence projects and sell, exchange or otherwise dispose of the same;
- (d) purchase or otherwise acquire and sell, exchange or otherwise dispose of, any real or personal property or any interest therein which in the opinion of the Minister is or is likely to be necessary or desirable for the carrying out of any of the powers conferred upon the Minister by this Act, or by the Governor in Council;
- (e) mobilize, control, restrict or regulate to such extent as the Minister may, in his absolute discretion, deem necessary, any branch of trade or industry in Canada or any munitions of war or supplies;
- (f) with the specific or general authorization of the Governor in Council, from time to time, make, issue, amend and repeal all such orders, rules, regulations, permits and licences, as the Minister, in his discretion, may consider necessary or expedient for the exercise of any of the powers conferred upon him by this Act or by the Governor in Council and any such order, rule, regulation, permit or licence may be of general or particular application and failure to comply therewith shall constitute an offence under this Act;
- (g) if authorized by the Governor in Council, exercise any of the powers contained in paragraphs (a) to (f), both inclusive, of this subsection for or on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, whether at the instance of or

through the medium of the British Supply Board or otherwise and for or on behalf of any other of His Majesty's Governments or for or on behalf of the Government of the Republic of France or for or on behalf of the Government of any allied or associated power;"

And whereas the Government of Greece (hereinafter sometimes referred to as "the Government" has requested, in effect, that the Minister of Munitions and Supply may be authorized to exercise, from time to time, any of the powers contained in paragraphs (a) to (f), both inclusive, of said subsection (1) of Section 6 for or on behalf of the Government;

And whereas it is deemed desirable that, for the more efficient prosecution of the war, the Minister of Munitions and Supply should be authorized accordingly.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and under and by virtue of the powers conferred by the Department of Munitions and Supply Act and the War Measures Act, is pleased to authorize and doth hereby authorize the Minister of Munitions and Supply to exercise, from time to time, any of the powers contained in paragraphs (a) to (f), both inclusive, of subsection (1) of Section 6 of the Department of Munitions and Supply Act for or on behalf of the Government of Greece; provided that if the said Government shall request the Minister of Munitions and Supply to make payments for or on behalf of the said Government, the financial and accounting arrangements to be entered into shall be such as may be approved by the Minister of Finance.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending "The Defence Air Regulations, 1940"—lands between Arvida and Isle Maligne, Que., prohibited area

Canada Gazette (Extra), 8th March, 1941

P.C. 1265

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council, P.C. 992 of the 12th day of February, 1941, "The Defence Air Regulations, 1940" controlling the flying of civil aircraft in Canada during the war, as made by Order in Council, P.C. 1890 of the 9th day of May, 1940, were amended by including in Schedule "A" to such Regulations certain additional prohibited areas, over which no civil aircraft, other than aircraft licensed to operate on a scheduled air transport service, as provided in Part VII of The Air Regulations, 1938, and registered aircraft of approved Canadian Flying Clubs engaged in the training of pilots or other personnel, shall be flown, without the permission of certain officers of the Department of National Defence, as set out in Regulation 4 of The Defence Air Regulations, 1940;

And whereas in the interests of national safety, it is now deemed expedient to amend The Defence Air Regulations, 1940, further, to include in said Schedule "A" a certain additional prohibited area.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and under and by virtue of the War Measures Act, being Chapter 206 of The Revised Statutes of Canada, 1927, is pleased to amend The Defence Air Regulations, 1940, and they are hereby further amended by the addition, immediately after Item 4 of Schedule "A" thereto, of the following:—

"4 (a) Arvida and Isle Maligne:

The area within two circles of radii of 10 miles with centres at the Isle Maligne Power House and Port Alfred Railway Station and the area lying within 10 miles of a centre line joining the Isle Maligne Power House and the Port Alfred Railway Station."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing benefits of the Government Employees Compensation Act to apply to employees of the United Kingdom Technical Mission or other agencies of the United Kingdom

P.C. 1266

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Agreement, dated the 8th day of October, 1940, effective as from the 1st day of September, 1940, made between the Government of Canada and the Government of the United Kingdom under authority of Order in Council, P.C. 5319 of the 2nd day of October, 1940, it was provided, in effect, that,—

- (a) the staff who are paid by the Accountant of the United Kingdom Technical Mission (or any other duly authorized office or agency of the Government of the United Kingdom), and who have been engaged in Canada should, so far as possible, be under the same conditions of employment as those in the Canadian public service;
- (b) the Government of Canada would make provision so that the said employees who signify their consent in writing would be eligible for compensation under the Government Employees Compensation Act, being chapter 30 of the Revised Statutes of Canada, 1927, as amended by chapter 9 of the Statutes of Canada, 1931; and
- (c) the Government of the United Kingdom would reimburse the Government of Canada the total expenses incurred as a result of the said Agreement;

And whereas it is deemed desirable that the provisions of the Government Employees Compensation Act should be made applicable to such employees.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport, and pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order that the employees, aforesaid, of the United Kingdom, who are paid by the Accountant of the

United Kingdom Technical Mission or any other duly authorized office or agency of the Government of the United Kingdom, who have been engaged in Canada and who have signified their consent in writing, shall be deemed to be employees within the meaning and for the purposes of the Government Employees Compensation Act.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing agreement re marketing and processing of apples grown in the Annapolis Valley during 1941-42

Canada Gazette (Extra), 14th March, 1941

P.C. 1280

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 20th day of February, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Governor General in Council has during the past two years approved, under the authority of the War Measures Act, agreements with the Nova Scotia Apple Marketing Board Limited, with respect to the marketing and processing of apples grown in the Annapolis Valley of the Province of Nova Scotia;

And whereas the Minister of Agriculture reports that it is desirable and expedient to continue assistance during the marketing year 1941-42 with respect to apples of certain varieties, grades and sizes only, by entering into a further agreement with the said Board, prescribing the manner in which apples shall be sold for fresh consumption or processing; and

That it is estimated that the amount which will be required will be \$2,000,000.00, none of which will be required before October 1st, 1941.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is hereby pleased to approve the agreement in the form attached and to authorize execution thereof by the Minister of Agriculture.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

MEMORANDUM of the Agreement made this day of February, A.D. 1941.

BETWEEN:

THE NOVA SCOTIA APPLE MARKETING BOARD LIMITED, a body corporate and politic having its Head Office in the Town of Kentville in the Province of Nova Scotia, hereinafter called the "Board"

OF THE FIRST PART

AND

HIS MAJESTY THE KING, IN THE RIGHT OF CANADA and represented herein by the Honourable, the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas the Minister has been authorized under the authority of the War Measures Act as a food conservation measure to assist in the marketing and processing of surplus apples in Nova Scotia in the manner and to the extent hereinafter mentioned through the medium of a selling agency, by or through which the entire crop of apples of varieties, grades and sizes to be specified in a schedule shall be marketed, processed or otherwise shipped or delivered as the Minister may direct.

Now therefore in consideration of these presents the parties hereto covenant and agree each with the other as follows:—

1. (a) "apples" means apples grown in the Annapolis Valley in the year 1941;
- (b) "schedule apples" means apples of varieties, grades and sizes set out in a schedule to be issued to the Board by the Minister not later than July 31, 1941;
- (c) "Annapolis Valley" means the counties of Queens, Lunenburg, Annapolis, Kings and Hants in the province of Nova Scotia.
2. The Board covenants and agrees—
 - (a) to market only schedule apples outside of the Annapolis Valley;
 - (b) to market non-schedule apples only within the Annapolis Valley and only for processing, to maximum quantity and at prices authorized by the Minister having due regard to the quantity of schedule apples to be processed;
 - (c) to market schedule apples at f.o.b. prices approved by the Minister;
 - (d) to receive for the account of the growers all moneys paid by the Minister for apples under the terms of this Agreement;
 - (e) to conduct a pool for equalization of all moneys paid by the Minister together with all moneys received from sales of apples and, after deducting all necessary and proper disbursements and expenses, to make payment to the growers in accordance with such pooling arrangement which shall be on the basis of like returns for apples of the same or comparable variety, grade, marketability and packing costs;
 - (f) to maintain separate accounting records of all sales of schedule and non-schedule apples and all moneys received therefor together with such supporting vouchers as may be necessary for the purposes of any audit which may be required;
 - (g) to submit to the Minister for each calendar month and for the season a statement in detail of schedule and non-schedule apples received and marketed;
 - (h) to negotiate the sale to processors of such quantity or quantities of schedule apples as the Minister may direct;
 - (i) to arrange for the processing for the Minister's account of such quantity or quantities of schedule apples as the Minister may from time to time authorize, under conditions that the processing shall be done—
 - (i) according to approved methods and, whenever the Minister has specified special processing or packing, only by processors equipped therefor;
 - (ii) at processing charges to be authorized by the Governor in Council;
 - (iii) on terms that the processor shall retain and be debited with all of the processed product below "Choice Quality" as defined by regulation under the Meat and Canned Foods Act;
 - (iv) in premises otherwise unengaged for the time being in processing other than for the Minister's account;
 - (v) with all such apples and processed products at all times kept separate and identified.

3. The Minister agrees to assist in the marketing of a maximum quantity of 1,500,000 barrels of schedule apples,

- (a) by paying to the Board the sum or amount by which the total f.o.b. value of sales by the Board of schedule apples for fresh consumption at prices authorized by the Minister averages less than \$2.35 per barrel;
- (b) by paying to the Board the sum or amount by which the total f.o.b. value from other sales or disposal by the Board, as directed by the Minister, of the balance of schedule apples average less than \$2.00 per barrel;
- (c) by paying to the Board the sum or amount of \$1.30 per barrel for any quantity by which the total of schedule apples delivered to the Board and accounted for under paragraph (a) and (b) of this clause may be less than 1,250,000 barrels;
- (d) by paying to the Board, upon submission after the end of each calendar month of accounts in triplicate for the processing of apples for the Minister's account, the amounts of such accounts calculated on processing charges to be authorized hereunder, and a storage allowance calculated on the basis of case days of one-eighth cent per complete week per case of processed product remaining on hand with the Board or the processor beyond thirty days after the completion of processing and packing for shipment.

4. Notwithstanding anything contained in clause 3 hereof the Minister may suspend payment of part or the whole of any account pending investigation as to the quantity or quality of any delivery of fresh apples or processed product.

5. Further, notwithstanding anything contained in clause 3 hereof, if, in the opinion of the Minister, the Board, its sub-agents or growers fail to live up to the spirit and intent of this agreement and, without limiting the generality of the foregoing, if in particular there is in the opinion of the Minister unreasonable failure to deliver apples of variety, grade and pack suitable for shipment for fresh consumption, the Minister may penalize the Board by reducing the price basis under clause 3 (b) hereof by such amount as he deems fair and just.

In witness whereof the parties hereto have hereunto set their hands and seals.

The Nova Scotia Apple Marketing Board Ltd.

Minister of Agriculture.

Government Notice

24th February, 1941.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To All To Whom these presents shall come or whom the same may in anywise concern, GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order.

And whereas the undersigned is satisfied that the unrestricted publication of the periodical "The Canadian Tribune," published, in the English language, by The Canadian Tribune Publishing Co., Toronto, is prejudicial to the safety of the State and the efficient prosecution of the war.

Now know ye, that the undersigned, the Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, doth hereby order that the publication of the English language periodical "The Canadian Tribune" be suspended for a period of three weeks from the date of this Order.

Dated at the Department of the Secretary of State, at the City of Ottawa, this twenty-fourth day of February, in the year of Our Lord, one thousand nine hundred and forty-one.

(Sgd.) PIERRE F. CASGRAIN,
Secretary of State.

Proclamation

24th February, 1941.

ATHLONE
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come or whom the same may in anywise concern, GREETING:

PROCLAMATION

W. STUART EDWARDS,

Deputy Minister of Justice, Canada.

Whereas it is provided by The National Resources Mobilization Act, 1940, that the Governor in Council may make from time to time such orders and regulations requiring persons to place themselves, their services and their property at the disposal of His Majesty in the right of Canada for the use within Canada or the territorial waters thereof, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community;

And whereas pursuant to the powers therein contained, and the provisions of The War Measures Act, our Governor in Council did on the 27th day of August, 1940, make regulations to provide a system for calling out men for military training within Canada and the territorial waters thereof, such regulations being known as the National War Services Regulations, 1940 (Recruits);

And whereas pursuant to and in accordance with the said regulations, it has been decided to call out for military training, as aforesaid, every male British Subject who is or has been at any time subsequent to the first day of September, 1939, ordinarily resident in Canada and who attained or will attain the age of 21 years on or after the first day of July, 1940, and who was, on the fifteenth day of July, 1940, unmarried or a widower without child or children.

Now Therefore Know Ye that pursuant to the National Resources Mobilization Act, 1940, and The War Measures Act, and pursuant to and in accordance with the National War Services Regulations, 1940 (Recruits), promulgated

under the provisions of the said Acts, we do hereby call out the aforesaid classes of men to submit themselves for medical examination and to undergo military training for a period of four months within Canada or the territorial waters thereof, and to report at such places and times and in such manner and to such authorities or persons as may be notified to them respectively by a Divisional Registrar of an Administrative Division appointed by the Governor in Council pursuant to the above mentioned regulations.

Of all of which Our Loving Subjects and all others whom these Presents may concern, are hereby required to take notice.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Dear Uncle, Our Right Trusty and Right Well-beloved Cousin and Counsellor, Alexander Augustus Frederick George, Earl of Athlone, Knight of Our Most Noble Order of the Garter, Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Honourable Order of the Bath, Grand Master of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Companion of Our Distinguished Service Order, Colonel in Our Army (retired), having the honorary rank of Major-General, One of Our Personal Aides-de-Camp, Governor General and Commander in Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twentieth day of February, in the year of Our Lord one thousand nine hundred and forty-one and in the fifth year of Our Reign.

By Command,

(Sgd.) E. H. COLEMAN,
Under-Secretary of State.

Order in Council prohibiting export of various feed grains

P.C. 1/1560

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by The Deputy of His Excellency the Governor General in Council, on the 4th March, 1941.

The Board had under consideration a memorandum from the Honourable the Minister of Agriculture reporting that:—

“Whereas it is desirable to safeguard the supply of feed grain for live stock which is particularly important under war conditions where undertakings have been given to furnish Britain with definite quantities of live stock products, and

Whereas it is considered desirable that steps should be taken to provide for the control of the exportation from Canada of certain coarse grains, wheat for feed and millfeeds in order to conserve the domestic supply of livestock feed and for the purpose of securing information.

The undersigned, on the recommendation of the Agricultural Supplies Board, recommends that Your Excellency in Council, under the authority of the War Measures Act, do authorize the Minister of Agriculture to prohibit, in his discretion and to the extent that he may deem desirable, the export from Canada of oats, barley, rye, bran, middlings, shorts or wheat of Grade Four or lower grade, or any combination or mixture of these or other feed grains, whole or ground, except under permit issued by him.

Collectors of Customs and Excise shall, upon notification by the Minister of Agriculture, through the Minister of National Revenue, that the export of any or all of the above mentioned grains or any combination or mixture of these or other feed grains, whole or ground, is prohibited, refuse to permit the export from Canada of any shipment containing such product or products unless such shipment is accompanied by a permit signed by or on behalf of the Minister of Agriculture."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council declaring Bulgaria proscribed territory

Canada Gazette (Extra) 14th March, 1941

P.C. 1561

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of March, 1941

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada with the concurrence of the Minister of Finance, represents that in consequence of the invasion of Bulgaria by enemy forces, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of Bulgaria falling under the control of the invading enemy or agents of the invading enemy, to place under protective custody all property in Canada of persons residing in Bulgaria and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in Bulgaria which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence as aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows:—

From and including the 1st day of March, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Bulgaria as proscribed territory.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council declaring Hungary proscribed territory

Canada Gazette (Extra) 11th March, 1941

P.C. 1562

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of March, 1941.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, represents that in consequence of the reported presence in Hungary of enemy forces, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of Hungary falling under the control of the invading enemy or agents of the invading enemy, to place under protective custody all property in Canada of persons residing in Hungary and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's Office established under the Consolidated Regulations Respecting Trading with the Enemy (1939) and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in Hungary which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory;

Now, Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, with the concurrence as aforesaid, and under and by virtue of the War Measures Act (R.S.C. 1927, Chapter 206), is pleased to order as follows:—

From and including the 1st day of March, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to the territory of Hungary as proscribed territory.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing War Savings Certificates to be credited to the estate of a registered holder in the event of death while on active service in the Forces

P.C. 1593

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 5th day of March, 1941.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Finance, reports that members of the Naval, Army and Air Forces of Canada on active service in the present war are being afforded opportunities to subscribe for War Savings Certificates by means of pay

deductions; and that, as a convenience to such subscribers, at their election the Bank of Canada has agreed to hold certificates in safekeeping during the period of hostilities;

And whereas the Minister further reports that he is informed by the Bank of Canada that representatives of the services desire that there be put into effect a means whereby the certificates may be redeemed with a minimum of expense or delay in the event of the death of a registered holder while on active service in the Forces.

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under the authority of the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to order and doth hereby order as follows,—

1. Upon notice in writing being given by the Administrator of Estates, Department of National Defence, to the Bank of Canada of the death of any member of the Naval, Army or Air Forces of Canada on active service, the said Bank shall redeem all War Savings Certificates which are held in safekeeping or are presented and which are registered in the name of the deceased, and pay the value thereof to the said Administrator of Estates by way of cheque payable to the Receiver General of Canada for credit to the estate of the deceased.

2. The Bank of Canada shall be relieved from further liability and saved harmless in respect of any such War Savings Certificates upon making said payment to the said Administrator of Estates.

3. The Administrator of Estates, Department of National Defence, shall administer such moneys in accordance with the provisions of the Regulations for the Administration and distribution of Naval, Military and Air Force Estates, 1940, as have been made under authority of Order in Council P.C. 1065 of March 19, 1940, and amendments thereto.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending P.C. 3869, August 13, 1940—Civil Service certificate required for employment beyond thirty days

P.C. 13/1652

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 7th March, 1941.

The Board recommend that Order in Council of August 13th, 1940, P.C. 3869, be amended by deletion of Section 2 "B" and substitution of the following therefor:

"to incur such expenditures as may be necessary to fully discharge the responsibilities of the Government of Canada and to appoint for not more than thirty days at one time, additional temporary officers, clerks and employees that may be required therefor at rates of compensation as approved by the Governor in Council or already established by the Civil Service Commission and, further, where any such assistance

is needed for periods beyond thirty consecutive days, the same shall require the approval of the Governor in Council or the issuance of certificates of appointment by the Civil Service Commission."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending P.C. 3495, 7th November, 1939 (Industrial Disputes Investigation Act)—definition of "Munitions" and "Supplies" of war

P.C. 1708

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 10th day of March, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, for the purpose of clarifying the meaning and intent of Order in Council of the 7th November, 1939 (P.C. 3495), is pleased, on the recommendation of the Minister of Labour and under and in virtue of the War Measures Act (chapter 206, R.S.C., 1927), to amend the said Order in Council and it is hereby amended by

- (a) striking out the words "intended for the use of His Majesty's naval, military or air forces or for the use of the forces of any of His Majesty's allies in the present war" at the end of the first paragraph thereof and inserting the said words at the end of paragraph (a), defining the meaning of the expression "munitions of war";
- (b) inserting after the word "kind" in the third line of the definition of "supplies" in paragraph (b) the following words:
"required or intended for war purposes".

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing Proclamation setting apart Sunday, March 23, 1941, as a day of Humble Prayer and Intercession

P.C. 1728

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by The Deputy of His Excellency the Governor General on the 11th March, 1941.

The Committee of the Privy Council on the recommendation of the Secretary of State advise that a Proclamation do issue in the terms of the annexed draft, setting apart Sunday, March 23rd, 1941, to be observed throughout Canada as a day of Humble Prayer and Intercession to Almighty God touching the war in which Canada is now engaged.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Proclamation

13th March, 1941.

L. P. DUFF,
Deputy Governor General.
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India;

To all to whom these Presents shall come or whom the same may in anywise concern, GREETING:

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of Justice, Canada.

Whereas We, by and with the advice of Our Privy Council for Canada, proclaimed, by Our Proclamations bearing dates respectively the tenth day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and the tenth day of June, in the year of Our Lord one thousand nine hundred and forty, that a state of war exists between Our said Dominion and the German Reich and Italy.

And whereas Our Dominion of Canada has voluntarily taken up arms to defend the rights and liberties of free peoples and to withstand the onward sweep of violence and aggression;

And whereas, We have given expression to Our desire that Our people of the United Kingdom should set apart Sunday, the twenty-third day of March next, as a day of National Prayer on behalf of the Nation and Empire, their Allies and the cause in which they are united and should invoke the blessing of Almighty God upon Our just cause and should seek Divine Guidance by Humble Prayer and Intercession;

We, therefore, believing that Our people of Canada should be enabled to join, in Humble Prayer and Intercession, with Our People of the United Kingdom on the day already appointed for that purpose in the United Kingdom and to make a public and solemn avowal of duty to Almighty God and of need of guidance, have thought fit, by and with the advice of Our Privy Council for Canada, to appoint and We do hereby appoint Sunday, the Twenty-third day of March next, to be throughout Our Dominion of Canada a Day of Humble Prayer and Intercession to Almighty God on behalf of the cause undertaken by the United Kingdom, by Canada and by other Dominions of the British Commonwealth of Nations and by Allied and Associated Powers and all those who are offering their lives for Our cause and for a speedy and enduring peace founded upon justice and understanding; and We do hereby invite all Our Loving Subjects throughout Canada to set apart this appointed day as a day of Humble Prayer and Intercession.

Of all which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor The Right Honourable Sir LYMAN POORE DUFF, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of Canada and Deputy of Our Dear Uncle, Our Right Trusty and Right Well-beloved Cousin and Counsellor, Alexander Augustus Frederick George, Earl of Athlone, Knight of Our Most Noble Order of the Garter, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Honourable Order of the Bath, Grand Master of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Companion of Our Distinguished Service Order, Colonel in Our Army (retired), having the honorary rank of Major-General, one of Our Personal Aides-de-Camp, Governor General and Commander-in-Chief of Our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this eleventh day of March, in the year of Our Lord one thousand nine hundred and forty-one and in the Fifth year of Our Reign.

By Command,

E. H. COLEMAN,

Under-Secretary of State.

Order in Council establishing "The National War Services Regulations, 1940" (Recruits) (Consolidation 1941)

Canada Gazette (Extra), 18th March, 1941

P.C. 1822

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of March, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National War Services reports that the National War Services Regulations, 1940 (Recruits), as amended, require to be further amended and consolidated, and, as the said Regulations were applicable on the 24th day of February, 1941, to be maintained in force to apply to all men who, pursuant to the said Regulations, were called out or were liable to be called out for military training prior to the 25th day of February, 1941;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services, and under and in virtue of the powers conferred by the National Resources Mobilization Act, 1940, and the War Measures Act, is pleased to amend the said Regulations and they are hereby amended and consolidated as set out in the attached "The National War Services Regulations, 1940 (Recruits)—(Consolidation 1941)"; the said Amended and Consolidated Regulations to have effect upon from and after the 25th day of February, 1941.

His Excellency in Council is hereby further pleased to order that the National War Services Regulations, 1940 (Recruits), in force on the 24th day of February, 1941, shall remain in force and shall apply to all men who, pursuant to the provisions thereof, were called out or were liable to be called out for military training prior to the 25th day of February, 1941.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

NOTE: Regulations printed in Canada Gazette (Extra) 18th March, 1941.

**Order in Council extending provisions of the Official Secrets Act
to employees of U.K. Technical Mission, etc.**

P.C. 1860

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 17th day of March, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas paragraph (h) of section 2 of the Official Secrets Act, Chapter 49 of the Statutes of 1939, provides that the expression "office under His Majesty" means any office or employment in or under any department of the Government of Canada or of any province;

And whereas section 4 of the said Act makes the wrongful communication of information obtained by a person holding office under His Majesty an offence under the Act;

And whereas persons who were in the employ of the British Supply Board in Canada and the United States were not included in the expression "office under His Majesty" used in the said Act, and, accordingly, by Order in Council, P.C. 753, dated the 23rd February, 1940, the provisions of the said Act were extended to include such persons;

And whereas the Minister of Justice reports that the British Supply Board in Canada and the United States has been dissolved;

That the Government of the United Kingdom has requested that the provisions of the Official Secrets Act should be extended so as to have effect as if the expression "office under His Majesty" included positions under the United Kingdom Technical Mission and similar Agencies; and

That it is expedient, in extending the provisions of the official Secrets Act, to insure that persons who are in the United Kingdom service should be included in general terms;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under and by virtue of the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, is hereby pleased to revoke Order in Council, P.C. 753, dated the 23rd day of February, 1940, and to order and declare that the Official Secrets Act shall have effect as if the expression "office under His Majesty" included any office, service or employment, voluntary or otherwise, in or under any Department of the Government of the United Kingdom, including Boards or other agencies and wholly controlled corporations established under the authority of that Government.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing the Reserve Army (Special)
Regulations 1941

Canada Gazette (Extra), 24th March, 1941

P.C. 1910

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of March, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Proclamation dated the 20th day of February, 1941, issued pursuant to The National Resources Mobilization Act, 1940, and the War Measures Act, every male British subject who is or has been, at any time subsequent to the first day of September, 1939, ordinarily resident in Canada and who attained or will attain the age of 21 years on or after the first day of July, 1940, and who was, on the fifteenth day of July, 1940, unmarried or a widower without child or children, was called to submit himself for medical examination and to undergo military training for a period of four months within Canada or the territorial waters thereof and to report, all as in the said Proclamation set forth;

And whereas the Minister of National Defence reports that it is necessary to provide for the action to be taken in respect of the men who are called out for the purposes aforesaid, and any other men who may from time to time, pursuant to the said Acts, or either of them, and any Orders and Regulations made under and pursuant to the said Acts or either of them, be called out for the purposes aforesaid, to define their military status and to cause them to be liable to perform such service or duty within Canada and the territorial waters thereof in the Naval, Military or Air Force of Canada as the Minister of National Defence may from time to time require;

That Regulations pertaining to the Department of National Defence with regard to the foregoing are accordingly required; and

That the monies required to carry out the provisions of the proposed Regulations are included in Function Number 20 of the approved Annual Army Estimates for the fiscal year 1941-42.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of The National Resources Mobilization Act, Chapter 13 of the Statutes of 1940, and the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Statute and Law, is pleased to make regulations intituled RESERVE ARMY (SPECIAL) REGULATIONS 1941, hereto annexed as Appendix "A", and they are hereby made and established accordingly.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

NOTE: Reserve Army (Special) Regulations 1941 published Extra, *Canada Gazette*, March 24, 1941.

Order in Council amending P.C. 7520, 21st December, 1940, Canteen Funds—setting up Committee to report on disposal of canteen funds

P.C. 1959

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by The Deputy of His Excellency the Governor General on the 24th March, 1941.

The Committee of the Privy Council have had before them a report, dated 19th March, 1941, from the Associate Minister of National Defence, representing:

That by Order in Council P.C. 7520 dated the 21st day of December 1940, as amended by Order in Council P.C. 224 of January 13, 1941, and further amended by Order in Council P.C. 1087 of February 14, 1941, a Committee was constituted for the purpose of enquiring into and making recommendations and report to the Minister of National Defence with reference to the profits arising out of the operation of canteens and other auxiliary services;

That such Committee is now engaged in making such enquiries;

That certain questions have arisen as to the disposition of monies accruing to the Government of Canada by reason of the sale of kitchen by-products in Service messes, and that it would be appropriate to have an enquiry made into these questions by the same Committee and receive the Committee's recommendations and report thereon.

The Committee, therefore, on the recommendation of the Associate Minister of National Defence, advise that Order in Council P.C. 7520 be hereby further amended by the addition thereto of sub-paragraph (d) to Paragraph 4 thereof, as follows:—

- (d) The most advantageous disposition of such monies as shall accrue and become payable to the Government of Canada by reason of the sale or other disposition of the kitchen by-products of Service messes, including the question as to what proportion, if any, of such monies shall be retained by the Government of Canada; and the purpose for which such monies shall be used.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations respecting the marketing of dairy products—shipment between Provinces of Canada

The Canada Gazette (Extra) April 3, 1941

P.C. 1984

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 23rd day of May, 1940, P.C. 2138, as amended by Orders in Council dated the 10th day of January, 1941, P.C. 143 and the 29th day of January, 1941, P.C. 515, under authority of the War Measures Act, regulations respecting the marketing of dairy products were made and established;

And whereas by Order in Council dated the 23rd day of May, 1940, P.C. 2139, the Dairy Products Board was established;

And whereas the Minister of Agriculture reports that it is desirable and expedient that the said regulations be amended and the powers of the Dairy Products Board be enlarged to enable the Board to prohibit or regulate the shipment from one Province to another within Canada of any dairy product;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to amend the said regulations and they are hereby amended by adding to Clause 4 (1) thereof the following as paragraph (v):

“(v) to prohibit or regulate the shipment between Provinces of Canada of any dairy product.”

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council consolidating the various regulations governing the control of exports on the basis of destination

The Canada Gazette March 29, 1941

P.C. 2050

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 24th day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue and the Minister of Trade and Commerce, represents that since the outbreak of the war Orders in Council have been passed under the authority of Section 290 of the Customs Act prohibiting the export of all products to certain destinations, except under permit issued by or on behalf of the Minister of National Revenue; and

That in the interests of simplification of the administration of export control, and with a view to strengthening economic measures designed to exert pressure upon the enemy, it is desirable to consolidate the various regulations governing the control of exports on the basis of destination and to make certain changes in these regulations;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence as aforesaid, and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, R.S.C. 1927, is pleased to order as follows:—

- (1) Orders in Council P.C. 286 of January 23, 1940, P.C. 885 of February 29, 1940, P.C. 1471 of April 11, 1940, P.C. 2833 of June 27, 1940, and P.C. 3724 of August 6, 1940, are hereby rescinded;

- (2) The following Regulations are hereby made and established, to come into force as from and including the first day of April, 1941:
- (a) No person shall export any goods to any country outside the Western Hemisphere, other than to parts of the British Empire, or territories under British occupation or control, without first having obtained a permit issued by or on behalf of the Minister of National Revenue.
 - (b) No person shall export any goods to the colonies or possessions of France within the Western Hemisphere without first having secured a permit issued by or on behalf of the Minister of National Revenue.
 - (c) For the purposes of this Order the Western Hemisphere shall be understood to embrace all land west of longitude 30° west and east of the International Date Line.
 - (d) Applicants for permits shall furnish in respect of each proposed shipment for export information in writing in the manner and form approved by the Minister of National Revenue.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing procedure to be followed in respect of loss of or damage to buildings, etc., and with respect to explosions

P.C. 2100

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 26th day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Paragraphs 633 to 636, inclusive, 638 and 639 of The King's Regulations and Orders for the Canadian Militia, 1939, which set out the procedure to be followed in respect of loss of or damage to buildings, stores, arms and supplies, and with respect to explosions, vest District Officers Commanding with power to write off or otherwise deal with such loss or damage within the limitations set out in the said paragraphs;

And whereas the said limitations require, inter alia, that in those cases wherein the amount of the loss, or the cost of structural repairs exceeds \$250, the authority of National Defence Headquarters is required to write off said loss; further, all losses of arms are required to be reported to National Defence Headquarters;

And whereas by General Order 255 of 1939, approved by Order in Council dated 27th December, 1939, P.C. 4306, the Senior Combatant Officer of Canadian Military Headquarters in the United Kingdom was, in respect of troops under his command, vested with and authorized to exercise and perform all the powers, duties and functions, to the extent that they are applicable, which by The King's Regulations and Orders for the Canadian Militia, 1939, are vested in, or to be exercised or performed by a District Officer Commanding;

And whereas by Order in Council dated 27th September, 1940, P.C. 4776, the Senior Combatant Officer of the Canadian Army serving in the Canadian Military Forces in the United Kingdom, and the Officer Commanding any Active Division of the Canadian Army, respectively, not below the rank of Brigadier, were, in respect of troops under their command, likewise vested with the powers of a District Officer Commanding;

And whereas the Minister of National Defence reports that Canadian Military Headquarters in the United Kingdom have represented that, due to the possible sudden development of emergent conditions in the United Kingdom, and to avoid any possibility of hampering operations by the delays which would be involved in making submissions to National Defence Headquarters respecting losses mentioned in Paragraphs 633 to 636, inclusive, 638 and 639 of The King's Regulations and Orders for the Canadian Militia, 1939, it is advisable that there be authority in the United Kingdom to perform the functions of National Defence Headquarters for this purpose;

That in view of tentative arrangements which have been worked out in consultation with the present General Officer Commanding Canadian Corps, it is expedient that in respect of the Canadian Corps both the said General Officer Commanding and the Senior Officer at Canadian Military Headquarters have authority to perform such functions; and

That the Quartermaster-General, the Master-General of the Ordnance, and the Acting Deputy Minister (Army), being of the opinion that effect should be given to the representations made by Canadian Military Headquarters as aforesaid, have recommended accordingly;

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, the Militia Act, Chapter 132 of the said Revised Statutes, and notwithstanding the provisions of any other Statute or Regulation, is pleased to order as follows:—

1. In the application of Paragraphs 633 to 636, both inclusive, 638 and 639 of The King's Regulations and Orders for the Canadian Militia, 1939, to the Military Forces of Canada serving in the Canadian Corps in the United Kingdom, or elsewhere under the Canadian administrative control and direction of Canadian Military Headquarters in the United Kingdom, the powers and functions which may be exercised and performed by National Defence Headquarters under said paragraphs are hereby conferred upon the present General Officer Commanding the Canadian Corps, and the Senior Combatant Officer of Canadian Military Headquarters in the United Kingdom, or either of them.
2. In the application of Paragraphs 633 to 636, both inclusive, 638 and 639 of The King's Regulations and Orders for the Canadian Militia, 1939, to the Military Forces of Canada (other than those serving in the Canadian Corps while said Corps is under the command of the present General Officer Commanding), in the United Kingdom or serving elsewhere under the Canadian administrative control and direction of Canadian Military Headquarters in the United Kingdom, the powers and functions which may be exercised and performed by National Defence Headquarters under said paragraphs are hereby conferred upon the Senior Combatant Officer of Canadian Military Headquarters in the United Kingdom.

3. All cases dealt with by the present General Officer Commanding the Canadian Corps in pursuance of this Order will be duly reported by him to Canadian Military Headquarters in the United Kingdom, and Canadian Military Headquarters will report monthly to National Defence Headquarters all cases so dealt with by the said General Officer Commanding, and all cases dealt with by the Senior Combatant Officer at Canadian Military Headquarters in accordance with this Order.
4. The provisions of this Order shall be deemed to have come into force and operation as of and from the 22nd day of March, 1941.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing regulations for the granting of a Memorial
Cross to relatives of Merchant Seamen

P.C. 2135

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 28th day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Order in Council P.C. 4210 of 27th August, 1940, authorized a Memorial Cross for issue to Mothers or Widows of Naval, Military or Air Force personnel who die whilst on active service or whose deaths are attributable to such service;

And whereas The Deputy Minister of Transport has submitted that in view of the risks to which Canadian Merchant Seamen are exposed in work of national importance especially in transporting troops and military supplies overseas, the Mothers and Widows of Canadian Merchant Seamen who may lose their lives through enemy action or whose deaths are attributable to war service should be included in the provisions of the said Order in Council;

And whereas the Minister of National Defence reports that to provide for the issue of the Memorial Cross in respect of Canadians serving in the Naval, Military or Air Forces of the British or Allied forces who were resident in Canada at any time during a period 10 years prior to 10th September, 1939, it is proposed that the regulation relating to qualifying date in so far as residence in Canada is concerned be amended accordingly;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to amend Order in Council P.C. 4210 of 27th August, 1940, and it is hereby amended as follows:—

A. After the second recital of the Order in Council insert,—

“And whereas the Deputy Minister of the Department of Transport submits that in view of the risks to which the Canadian Merchant Seamen are exposed in work of National importance, and especially in transporting troops and supplies Overseas, provision be made for the grant of the

Memorial Cross to the Mothers and Widows of those Canadian Merchant Seamen who may lose their lives through enemy action or whose deaths subsequently are attributable to war service."

B. Cancel paras. 1 to 8 inclusive of the Regulations and substitute,—

Reason of Issue

1. A Memorial Cross will be issued as a Memento of personal loss and Sacrifice on the part of Mothers and Widows of Canadian Sailors, Soldiers, Airmen or Merchant Seamen, who have laid down their lives for their country during the present war.

Description of Cross

2. The Cross will be a Cross patence in silver, supended by a purple ribbon; and at the end of the upright a Crown; at the foot, and at the end of either arm, a maple leaf; in the centre, within a wreath a laurel, with royal cipher "G.R.I." It will be engraved with the number, rank and/or name of the sailor, soldier, airman or seaman commemorated.

3. A Cross will be issued to the Widow or Mother in respect of every sailor, soldier, airman or seaman, who was survived by either. If both survive him, two Crosses will be issued, one to each.

4. If, after becoming entitled to the Cross, the Widow or Mother has died or dies, the Cross will be delivered to the eldest of the sailor's soldier's, airman's or seaman's next-of-kin.

In respect of whom Issued

5. (1) The Cross will be issued in respect of each sailor, soldier or airman, who,—

(a) was killed in action; or

(b) died whilst on active service; or

(c) died or dies from causes attributable to service in the Naval, Military or Air Forces either while serving on active service or subsequent to his discharge from any of the said Forces,

Provided that where death occurs subsequent to discharge, the Memorial Cross will be issued to the Widow only if she was married to the sailor, soldier or airman at the time of discharge.

(2) The Cross will also be issued in respect of each Canadian Merchant Seaman who losses his life through enemy action or whose subsequent death is attributable to War Service, except that the Cross will be issued to the Widow of such Seaman only if she was married to him at the time he sustained the injury or disability which resulted in his death.

Proof required

6. Every applicant for the issue of a Cross must produce such proof of death, service and eligibility as may be required by the Minister of National Defence in respect of Canadian Sailors, Soldiers or Airmen, and by the Minister of Transport in respect of Canadian Merchant Seamen.

Authority

7. The decision of the Minister of National Defence shall be final in all matters pertaining to the issue of the Cross in respect of Canadian Sailors, Soldiers or Airmen. The decision of the Minister of Transport shall be final in all matters pertaining to the issue of the Cross in respect of Canadian Merchant Seamen.

8. In the foregoing paragraphs:—

- (a) "Widow" includes the legal widow of the sailor, soldier, airman or seaman killed and the unmarried widow who is pensionable by reason of the sailor's, soldier's or airman's or seaman's death, but does not include a widow as so defined who,—
 - 1. Is known to be of dissolute character,
 - 2. Was at the time of the sailor's, soldier's, airman's or seaman's death, separated from him by agreement or legal process.
- (b) "Mother" means the woman who gave birth to the sailor or soldier or airman or seaman.
- (c) "Sailor" means any person, male or female, who served in any branch of the naval Forces of Canada or who having been ordinarily resident in Canada on the 10th of September, 1939, or at any time during a period of 10 years prior to this date, served in the Naval Forces of His Majesty or of any of His Allies.
- (d) "Soldier" means any person, male or female, who served in any branch of the Canadian Active Service Force or who having been ordinarily resident in Canada on the 10th of September, 1939, or at any time during a period of 10 years prior to this date, served in the Military Forces of His Majesty or of any of His Allies.
- (e) "Airman" means any person, male or female, who served in the Royal Canadian Air Force or who having been ordinarily resident in Canada on the 10th of September, 1939, or at any time during a period of 10 years prior to this date, served in the Air Forces of His Majesty or any of His Allies.
- (f) "Seaman" means any person, male or female, born in Canada or domiciled in Canada, serving as Master, Officer, or member of the crew of a British ship of Canadian or other registry, or in a foreign registered ship of His Majesty's Allies, on September 10, 1939, or on any date subsequent thereto.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending "The Patents, Designs, Copyright and Trade Marks (Emergency) Order, 1939"

P.C. 2198

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 31st day of March, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council, of 27th October, 1939, (P.C. 3362) and described as "The Patents, Designs, Copyright and Trade Marks (Emergency) Order, 1939", a Schedule of Fees was prescribed, one of the items being:

"2. On application under Section 3 for an order granting a licence—in respect to each patent, registered design or copy-right work. \$10.00"

And whereas it has been represented to the Secretary of State that the fee of \$10.00 so prescribed is excessive on applications in respect to copyrights of music, since each selection is ordinarily the subject of a separate copyright;

And whereas the Secretary of State is satisfied that it is expedient that the prescribed fee should be fixed at a lower scale in respect to sheet music;

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State, is pleased to order that item No. 2 in the First Schedule to the said "The Patents, Designs, Copyright and Trade Marks (Emergency) Order, 1939" be and it is hereby rescinded and the following substituted therefor:

- "2. On application under Section 3 for an order granting a licence—in respect to each patent, registered design or copyright work (except in relation to sheet music)..... \$10.00
(b) On application under Section 3 for an order granting a licence—in respect to a copyright work consisting of a single selection in the form of sheet music..... \$1.00"

this item as amended to be applied to any applications now filed as well as to future applications.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council changing designation Inter-Government Inspection Board to The Inspection Board of the United Kingdom and Canada

P.C. 2226

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 7th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by an Order in Council dated 26th October, 1940, P.C. 5995, a Board, to be known as the Inter-Government Inspection Board, was established to consist of four members of which two would be appointed by the Government of the United Kingdom and two by the Government of Canada;

And whereas the Minister of National Defence reports that it has been found desirable to change the name of the Board so established to the Inspection Board of the United Kingdom and Canada; further, that the increase in the activities of the Board and the duties it is required to perform make it desirable, in the interests of efficiency, for the membership of said Board to be increased to six, which increase has been recommended by the Chairman;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to order and doth hereby order and direct that the Board established by Order in Council dated 26th October, 1940, P.C. 5995, be known and described as "the Inspection Board of the United Kingdom and Canada", in lieu of the Inter-Government Inspection Board as described in the said Order in Council, and that the Board consist of six members in place of four; three to be appointed by the Government of the United Kingdom and three to be appointed by the Government of Canada.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing regulations respecting bonus *re* wheat
acreage reduction

P.C. 2314

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 2nd day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that because of loss of markets arising out of the war the quantity of wheat which may be delivered for sale to the Canadian Wheat Board or on the open market or otherwise during the crop year 1941-42 is to be limited to 230 million bushels and the quantity to be delivered is to be based on 65 per centum of the 1940 acreage;

That the consequent reduction in wheat marketing in 1941 will decrease the income of wheat producers in the Prairie Provinces;

That it is desirable that the quantity of wheat in storage should not be increased; and

That it is further desirable that land taken out of wheat production be summer-fallowed or seeded to coarse grains or grass;

Therefore the deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to make the following regulations with respect to payments in the Provinces of Manitoba, Saskatchewan, and Alberta and the Peace River District of British Columbia, of specified sums per acre on the number of acres which are taken out of wheat production and seeded to grass or coarse grains or summer-fallowed in 1941, and they are hereby made and established accordingly:

REGULATIONS

1. "Coarse grains" means barley, oats, rye, corn, peas, flax and millet.
"Farm" means the total land being farmed by any one farmer.
"Farmer" means an owner operator, or tenant operator of a farm.
"Grass" means all grasses, clovers and alfalfa.
"Landlord" means an owner of a farm operated by another person and includes a mortgagee or unpaid vendor who by contract or by law has a right to or a lien on or ownership in a part of the crop grown on a farm.
"Minister" means the Minister of Agriculture.
"Summer-fallow" means the cultivation of fallow land before August 1st, 1941, in such a way as to conserve soil moisture and prevent soil drifting.
2. With respect to the number of acres in any farm by which the wheat acreage on such farm in 1941 is less than that of 1940, hereinafter called "Wheat acreage reduction", the Minister may, after requisite proof has been established, pay on or after July 1st, 1941

- (a) the sum of \$4.00 for each acre in summer-fallow over and above the number of acres in summer-fallow in 1940;
- (b) the sum of \$2.00 for each acre sown to coarse grains or grass in 1941 over and above the acreage sown to coarse grains or grass, respectively, in 1940, provided that no claim in respect to the same land is made for summer-fallow in 1941 under paragraph (a) hereof;
- (c) the additional sum of \$2.00 per acre on the number of such acres which, having been sown to grass in 1941, or to rye in the autumn of 1941, are in grass or rye on July 1st, 1942, notwithstanding that such land may have been summer-fallowed or sown to coarse grains in 1941;

provided that in the case of any farm on which

- (a) there was no wheat acreage in 1940 but which had wheat acreage in 1939, the wheat acreage of 1939 or sixty per centum of the cultivated acreage in 1940, whichever is the lesser, may be accepted by the Minister as the basis for wheat acreage reduction in 1941.
 - (b) there was wheat in 1940 on more than sixty per centum of the cultivated acreage and in 1939 on less than forty per centum of the cultivated acreage, or vice versa, the average of the wheat acreage for 1939 and 1940 may be accepted by the Minister.
3. A farmer to be eligible for any payment with respect to wheat acreage reduction shall make application not later than May 31st, 1941, to the Secretary of the Municipality in which he resides or, in the case of unorganized areas, to the Provincial Government, on a form to be distributed by the Municipal Secretary or the Provincial Government as the case may be; and on fulfilment of one or more of the provisions of Regulation 2, shall submit a sworn statement or statements of claim for payment.
 4. A landlord to be eligible for any payment with respect to wheat acreage reduction shall make application not later than May 31st, 1941, to the Secretary of the Municipality in which the land in which he has an interest is located or, in the case of unorganized areas, to the Provincial Government, on a form as referred to in Regulation 3.
 5. Notwithstanding the provision of any provincial law,
 - (a) in the case of a farm in which a landlord has an interest in the crop returns on the whole of the farm, the landlord may be entitled to receive not more than one-third of the amount to be paid for wheat acreage reduction on the farm;
 - (b) in the case of a farm in which a landlord has an interest in the crop returns from a part of the farm only, the landlord may be entitled to receive not more than one-third of the amount to be paid for wheat acreage reduction on the proportion of the farm in which he holds an interest;

provided that the landlord may receive less than the said one-third of the amount to be paid for wheat acreage reduction by mutual agreement between the landlord and the farmer, or upon submission of proof that, under the terms of the contract with the farmer, the landlord is entitled to less than one-third of the crop returns.

6. No payment shall be made under these regulations with respect to any farm which was operated by a tenant in 1940 and is operated by hired labour in 1941.

7. No payment shall be made with respect to reduction in wheat acreage on the following lands:
 - (a) Farm lands operated as Experimental Farms.
 - (b) Farm lands declared sub-marginal under the provisions of a provincial statute and not occupied in 1940.
 - (c) Farm lands operated by Provincial Governments, government institutions, or universities.
8. The Minister may withhold payment from any farmer who submits a false report of his acreage or a false claim for payment.
9. The Minister may, with the approval of the Governor in Council, appoint such administrative and technical officers and employees as he may deem necessary for the purposes of these regulations and at such rates of pay as may be likewise approved.
10. The Minister may appoint such temporary, field, clerical or other assistants as may be required, the rates of pay to be approved by the Governor in Council.
11. The Minister may pay, out of monies appropriated by Parliament, all administrative including travelling and other expenses incurred under these regulations.

All expenditures hereunder shall be chargeable against money voted by Parliament.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing Sugar Administrator to make certain
investments with surplus funds**

P.C. 2358

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 4th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Section 7 of the Regulations respecting Sugar established by Order in Council, P.C. 3223, of the 21st day of October, 1939, the Sugar Administrator is empowered to invest surplus funds in short term securities of the Dominion of Canada;

And whereas it is deemed to be desirable and in the national interest that the Sugar Administrator be empowered to invest such funds in any securities of the Dominion of Canada or in securities unconditionally guaranteed as to principal and interest by the Dominion of Canada;

And whereas the Wartime Prices and Trade Board has recommended, after consultation with the Sugar Administrator and with the Bank of Canada, that the above regulations be amended accordingly;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by the War Measures Act and otherwise, is pleased to amend the aforesaid regulations and they are hereby amended by revoking Section 7 thereof and substituting therefor the following:

7. The Sugar Administrator may invest surplus funds, not immediately required, in securities of the Dominion of Canada or in securities unconditionally guaranteed as to principal and interest by the Dominion of Canada and may, for this purpose, from time to time, buy and sell such securities.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council effecting Discipline of Merchant Seamen
(The Merchant Seamen Order 1941)**

The Canada Gazette (Extra) May 7th, 1941

P.C. 2385

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 4th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence for Naval Services reports that the present conditions affecting shipping across the Atlantic and Pacific Oceans make desirable the adoption of a comprehensive policy that will avoid delays in the departure of merchant ships from Canadian ports, which may be caused through difficulties pertaining to the crews thereof;

That occasions have arisen when members of the crew of outgoing British merchant ships and of merchant ships registered in or belonging to certain other powers allied or associated with His Majesty, have through their activities created conditions likely to cause delay in the departure of a ship to which they belong or have refused to sail on such ship or have performed other acts which interfere with or are likely to interfere with the departure or operation of said ship or are suspected of carrying on subversive activities either on board the ship concerned, or otherwise;

That in the present emergency it is essential to the public interest and to the efficient prosecution of the War that the departure of merchant ships from Canadian ports be not delayed and that if delay occurs or is anticipated as being likely to occur by reason of the activities of a member or members of the crew of any such ship, provision should be made whereby there can be taken in respect of such member or members of any such crew such action as will prevent delay in the departure of any ship and which will serve as a deterrent to members of the crews of any other such ships who might contemplate like activities;

Therefore The Deputy of His Excellency the Governor General in Council, on the joint recommendation of the Minister of Justice and the Minister of National Defence for Naval Services, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased, notwithstanding the provisions of any other Act or law, to make the annexed Order Affecting Discipline of Merchant Seamen, and it is hereby made and established accordingly.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

1. This Order may be cited as The Merchant Seamen Order, 1941.
2. In this Order unless the context otherwise requires,
 - (a) "board" means a Board of Inquiry established pursuant to the provisions of this Order;
 - (b) "committee" means a Committee of Investigation established under this Order;
 - (c) "foreign going" shall have the same meaning as is given to that expression in the Canada Shipping Act, 1934;
 - (d) "seamen" means and includes the master, officers, members of the crew and staff lawfully engaged to serve on board a ship; and
 - (e) "ship" means and includes a foreign going British merchant ship and a merchant ship registered in or belonging to Belgium, the Czechoslovak Republic, the Netherlands, Norway, Poland, Greece, or registered in or belonging to any other foreign power which may be designated by the Governor in Council as a foreign power, the merchant ships of which shall be subject to the provisions of this Order.
3. The Minister of Justice may nominate representatives from each of the Departments of National Defence for Naval Services, the Royal Canadian Mounted Police, and the Department of Transport as Committees of Investigation, and any three representatives so nominated may, if each Department is represented, constitute such a Committee.
4. A Committee shall have authority to board any ship and conduct an investigation into the conduct of any seamen employed thereon.
5. A Committee or any member thereof may administer oaths for the purpose of taking affidavits in connection with any investigation.
6. A representative of the Department of National Defence for Naval Services, nominated as aforesaid, shall convene and be chairman of a committee so convened, and in all questions before the committee the decision of the majority shall prevail.
7. A Committee may in any case direct, in writing, that any seaman be temporarily detained and removed from his ship if it is satisfied that there are grounds for believing that such seaman,—
 - (a) is likely to cause delay in the departure of the ship;
 - (b) is likely to refuse to sail on such ship;
 - (c) has refused or is likely to refuse to perform his regular duties on board such ship;
 - (d) has induced or attempted to induce, or is likely to induce or attempt to induce other seamen to interfere in any way with the proper operation of the ship in which they are employed.
8. A member of the Royal Canadian Mounted Police Force, or other police force, or of His Majesty's Naval, Military or Air Forces shall have power to execute such direction to detain and remove.
9. Upon the removal of a seaman as aforesaid from a ship, such seaman shall be detained in an Immigration Station, Gaol or other place of confinement pending an inquiry into his case by a board.
10. Such seaman shall be brought before a board within forty-eight hours of his removal from the ship.
11. Evidence taken by way of affidavit by a committee shall be accepted by a board and by all courts in any prosecution for an offence to which such evidence is relevant if the person making the affidavit is not able otherwise to give evidence by reason of his having sailed or being about to sail from Canada.

12. The Minister of Justice may appoint for such ports or places in Canada, as he may consider advisable, officials of the Department of National Defence for Naval Services, the Department of Transport, and the Immigration Branch of the Department of Mines and Resources to act as Boards of Inquiry, and any three such officials, if they include an official of each of the said Departments, shall constitute a Board of Inquiry.

13. A representative of the Immigration Branch of the Department of Mines and Resources, appointed as aforesaid, shall convene and be chairman of a Board so convened and in all cases or questions before it the decision, in writing, of the majority of the Board shall prevail.

14. An order of a board may be signed by the chairman or any two members.

15. A board shall have all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927.

16. Subject to the provisions of this Order a board shall have authority to inquire into the conduct of a seaman,

- (a) who is alleged to be responsible or likely to be responsible for causing delay in the departure of a ship;
- (b) who deserts or is absent without leave in Canada from his ship;
- (c) who refuses to sail on his ship;
- (d) who is reported by the master or agent of the ship for refusing to perform his regular duties on board his ship;
- (e) who is alleged to have induced or attempted to induce other seamen to interfere in any way with the proper operation of their ship;
- (f) who is suspected of carrying on any subversive activities, whether on board his ship or otherwise; or
- (g) who has been detained by direction of a committee.

17. A board may, after inquiry, order in writing that a seaman be:—

- (a) released;
- (b) released to his ship;
- (c) released to a manning pool; or
- (d) detained in an Immigration Station, gaol or other place of confinement for a period not exceeding three months.

18. A board shall, in any case where the detention of a seaman has been ordered under the last preceding paragraph, cause the seaman to be brought before it on or before the expiration of the period of such detention and review his case, and the board, after such review, may order that the seaman be:

- (a) released;
- (b) released to his ship;
- (c) released to a manning pool; or
- (d) detained in an Immigration Station, gaol, or other place of confinement for a further period not exceeding six months.

19. In the event of a board ordering the detention of any person, such person may be employed on such labour, and in such place as the board may direct.

20. Notwithstanding any of the provisions contained in the last three preceding paragraphs, a board may in any case recommend to the Minister of Justice that the seaman be detained under the provisions of regulation 21 of the Defence of Canada Regulations.

21. A board, at the request of the Director or person in charge of a seaman's manning pool, may inquire into the conduct of any seaman belonging to that pool and may, after such inquiry, make appropriate orders or recommendations in the same manner and to the same extent as provided in the last four preceding paragraphs.

22. At all inquiries the seaman under investigation shall be entitled to be present and to be heard.

23. Any seaman while detained under the authority of this Order shall be deemed to be in legal custody.

24. There shall be no appeal to any court or tribunal from an order of a board, which order shall be final.

25. Notwithstanding the provisions of Order in Council P.C. 4751 of the 12th September, 1940, respecting alien seamen, an alien seaman detained under that Order may, at his request or at the request of an Immigration Board of Inquiry or officer acting as such, or Immigration Inspector in Charge, have his case referred to and dealt with by a board as if his conduct were being originally inquired into under the authority of this Order.

26. A board may, on the request of a committee or of its own volition, make an order prohibiting leave from any ship for any period not exceeding 48 hours, and any seaman who is away from his ship during such period without lawful excuse shall be deemed to be absent without leave.

27. This Order shall be interpreted in accordance with the principles approved by Order in Council P.C. 2685 of the 19th June, 1940, in so far as they are applicable, which principles re-affirm the freedom of employees to organize in trade unions and to negotiate collective agreements with employers, and their rights to protection against such acts of employers as refusal of employment and dismissal because of trade union membership, intimidation to prevent a workman from belonging to a trade union, and conspiracy with other employers to such ends.

28. The exercise of the powers granted by this Order shall be without prejudice to the operation of the provisions of the Canada Shipping Act, 1934, the Criminal Code, the Immigration Act and Order in Council P.C. 4751 of the 12th September, 1940, respecting alien seamen.

29. This Order shall be administered by the Minister of National Defence for Naval Services, who may issue such directions as are necessary to give effect thereto and to carry out the spirit and intent thereof.

30. All expenditure incurred in carrying out the provisions of this Order shall be paid by the Department of National Defence for Naval Services and shall constitute a charge against the War Appropriation Act, 1941.

Order in Council authorizing Eastern elevators licensed under the Canada Grain Act to be insured

P.C. 2393

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 7th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 102, sub-section 1, of the Canada Grain Act, provides that:

"The manager of every licensed public and semi-public elevator in the *Western Division* shall at all times keep all the grain in such elevator fully insured by companies approved by the Board against loss or damage by fire during such time as it is stored therein or is in course of delivery into or out of the same."

And whereas the Minister of Trade and Commerce reports that by reason of the existence of war, it appears advisable that grain stored in elevators licensed under the Canada Grain Act in the Eastern Division should be made subject to the provisions of the said Section 102, sub-section 1 to the same extent and in the same manner as now are public and semi-public elevators in the Western Division;

Therefore The Deputy of His Excellency the Governor General in Council on the recommendation of the Minister of Trade and Commerce, and under and by virtue of the War Measures Act, is pleased to order that Eastern elevators licensed under the Canada Grain Act be and they are hereby made subject to the provisions of the said Section 102, sub-section 1, to the same extent and in the same manner as now are public and semi-public elevators in the Western Division.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending the Defence of Canada Regulations
(Consolidation) 1940—application to Czechoslovakia

P.C. 2420

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 7th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Special Committee of the House of Commons considering the Defence of Canada Regulations has recommended that regulations 26A, 26B and 37A of the Defence of Canada Regulations be amended for the purpose of eliminating the application thereof to persons who are or were nationals of and were born in Czechoslovakia, and thus place this class of persons in the same position as those of other allied countries;

And whereas the Minister of Justice considers it desirable that such amendments should be made;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations (Consolidation), 1940, (P.C. 4750, 12th Sept., 1940) and it is hereby further amended as follows:

1. By adding at the end of regulations 26A the following,
"and provided further that the provisions of this regulation shall not apply to persons who are nationals of and were born in Czechoslovakia, which for the purposes of this regulation, means Czechoslovakia as it existed on the first day of January, 1938."
2. By adding at the end of paragraph (1) of regulation 26B the following,
"and provided further that the provisions of this paragraph shall not apply to naturalized British subjects, who, at the time of their naturalization were nationals of and born in Czechoslovakia, which, for the purposes of this regulation, means Czechoslovakia as it existed on the first day of January, 1938."
3. By adding at the end of paragraph (1) of regulation 37A the following,
"Provided that the provisions of this paragraph shall not apply to naturalized British subjects, who, at the time of their naturalization were nationals of and born in Czechoslovakia, which, for the purposes of this regulation, means Czechoslovakia as it existed on the first day of January, 1938."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council establishing Export Permit Branch in Department of
Trade and Commerce**

The Canada Gazette (Extra) April 21, 1941

P.C. 2448

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas since the coming into force of Order in Council P.C. 1838 of July 30, 1937, the export from Canada of arms, ammunition and implements of war has been prohibited except under a permit issued by or on behalf of the Minister of National Revenue;

And whereas since the outbreak of the war, Orders in Council have been passed under the authority of Section 290 of the Customs Act, prohibiting the export of certain products to all destinations and all products to certain destinations except under permit issued by or on behalf of the Minister of National Revenue;

And whereas since the outbreak of the war Orders in Council have also been passed under the authority of the War Measures Act, prohibiting the export of a number of products except under permits issued by certain specified Boards, Administrators or Controllers, in order to assure that supplies of the products are adequate for Canadian or United Kingdom requirements;

And whereas the Secretary of State for External Affairs reports, with the concurrence of the Ministers of Agriculture, Fisheries, Labour, Munitions and Supply, National Revenue, and Trade and Commerce, that this multiplicity of Government agencies concerned with the issuance of export permits has created a situation which is confusing to traders and is making it difficult to co-ordinate the policies and information in relation to the export of goods to destinations from which they may be transhipped to territories under enemy occupation or control;

That, in the opinion of the Advisory Committee on Economic Policy, it is desirable to remedy this situation by establishing a centralized control for the issuance of export permits for all products for which such permits are required;

That since the Minister of Trade and Commerce is the Minister chiefly responsible for the promotion of Canadian export trade and since the issue of export permits would provide the Department of Trade and Commerce with a great deal of information which would be of value in connection with their efforts to promote Canadian export trade, it is considered desirable in the opinion of the Advisory Committee on Economic Policy to establish an Export Permit Branch in the Department of Trade and Commerce in order to centralize the control over the issuance of export permits for all products for which such permits are required;

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, and under and by virtue of the powers conferred by the Public Services Re-arrangement and Transfer of Duties Act (Chapter 165, R.S.C., 1927), by Section 290 of the Customs Act (Section 10, Chapter 24 of the Statutes of 1937), and by the War Measures Act (Chapter 206, R.S.C., 1927), is pleased to order and doth hereby order as follows:

1. An Export Permit Branch shall be established in the Department of Trade and Commerce for the purpose of giving effect to the provisions of this Order, to which shall be transferred the existing personnel of the Export Licence Branch of the Department of National Revenue. For the fiscal year ending March 31, 1942, the salaries of any persons transferred from the Department of National Revenue to the Export Permit Branch shall continue to be paid out of the vote or votes of the Department of National Revenue making provision for their salaries. The salaries of any other employees of the Export Permit Branch shall be paid out of the vote or votes of the Department of Trade and Commerce.

2. The Minister of Trade and Commerce may issue regulations governing the granting of permits under and in conformity with this order.

3. No person shall export any of the articles enumerated and described in Schedule One hereof without first having obtained a permit issued by or on behalf of the Minister of Trade and Commerce.

4. The Minister of Trade and Commerce may exempt from the provisions of the preceding paragraph any specified article or articles exported to any part of the British Empire or to such other country or countries as the Minister may designate.

- 5 No person shall export any goods to any country outside the Western Hemisphere, other than to parts of the British Empire, without first having

obtained a permit issued by or on behalf of the Minister of Trade and Commerce.

6. No person shall export any goods to the colonies or possessions of France within the Western Hemisphere without first having secured a permit issued by or on behalf of the Minister of Trade and Commerce.

7. For the purposes of this Order the Western Hemisphere shall be understood to embrace all land West of longitude 30° west and east of the International Date Line.

8. Applicants for permits shall furnish in respect of each proposed shipment for export referred to in the preceding paragraphs information in writing, in the manner and form prescribed by the Minister of Trade and Commerce.

9. Before an export permit is issued on behalf of the Minister of Trade and Commerce by the Export Permit Branch in respect of any product for which a Board, Administrator or Controller has been established, the Export Permit Branch of the Department of Trade and Commerce shall consult with and secure the advice of a responsible official of the Board, Administrator or Controller established to deal with the particular product for which an export permit has been applied.

10. In order that there may be co-ordination of policy in matters of economic warfare and in normal international commercial relations, the Export Permit Branch of the Department of Trade and Commerce shall consult with the Advisory Committee on Economic Policy as to the principles to be followed under this Order in granting or refusing licences and as to any recommendations or proposals concerning policy.

11. Upon the coming into force of this Order in Council the powers, duties and functions of any persons mentioned or referred to in the Orders in Council enumerated in Schedule Two hereof to grant, refuse, withhold or approve licences or permits for the export of goods shall be transferred from such persons to the Minister of Trade and Commerce and the said Orders in Council shall be deemed to be amended to the extent necessary to give full force and effect to this Order in Council.

12. The Orders in Council enumerated in Schedule Three hereof are hereby rescinded and it is hereby provided that the rescinding of any Order in Council shall not revive any Order in Council or regulation not in force or existing at the time of the coming into force of this Order in Council.

13. The issue to any person of an export permit shall not be deemed to affect the liability of such person to obtain such licence or inspection certificate as may be required by any other statute or law in Canada or any province thereof.

14. Export permits issued hereunder shall not be transferable and shall be subject to revocation at any time without notice.

15. This Order shall come into force on and after the fourteenth day from the date of its publication in the *Canada Gazette*.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

SCHEDULE TWO

P.C. No.

- 1838 Restricting the export of arms, ammunition, implements of war—July 30, 1937.
- 1889 Restricting the export of arms, ammunition and implements of war—Aug. 6, 1937.
- 2785 Restricting export of certain articles—Sept. 20, 1939.
- 3124 Regulating manufacture and export of fertilizers—Oct. 12, 1939.
- 3223 Regulating purchase and importation of sugar—Oct. 12, 1939.
- 3998 Amending regulations—Wartime Prices and Trade Board—Dec. 5, 1939.
- 2138 Establishing regulations respecting dairy products—May 23, 1940.
as amended by Order in Council 143 of Jan. 10, 1941, and Order in Council 515 of Jan. 29, 1941.
- 2716 Authorizing regulations respecting timber—June 24, 1940.
- 2742 Authorizing regulations respecting steel—June 24, 1940.
- 2818 Authorizing regulations respecting oil—June 28, 1940.
- 3187 Appointing Metals Controller and establishing regulations respecting metals—July 15, 1940.
- 3555 Amplifying duties and powers of Wool Administrator—July 30, 1940.
- 4101 Authorizing regulations respecting Machine Tools—Aug. 22, 1940.
- 4614 Authorizing control of 1940 crop of fibre flaxseed—Sept. 11, 1940.
- 5468 Authorizing regulations of Oils Administrator—Oct. 9, 1940.
- 629 Restricting traffic in homing pigeons—Jan. 29, 1941.

SCHEDULE THREE

- 2735 Restricting export of certain kinds of wool—Sept. 18, 1939.
- 3532 Authorizing issue of licences for export of fibre flax—Nov. 7, 1939.
- 148 Prohibiting export of calves stomachs—Jan. 13, 1940.
- 287 Prohibiting export of certain articles—Jan. 23, 1940.
- 1473 Restricting export of cod livers and cod liver oil—April 11, 1940.
- 2169 Prohibiting export of rennet—May 24, 1940.
- 2522 Requiring licences for the export of canned lobsters—June, 12, 1940.
- 2666 Requiring licences for export of fish liver, fish oils, fish liver oils and fish visceral oils—June 20, 1940.
- 3028 Requiring licences for the export of leather—July 8, 1940.
- 5994 Requiring permits to export certain articles useful in the production of munitions of war—Oct. 26, 1940.
- 7156 Prohibiting export of "Douglas fir sawlogs"—Dec. 4, 1940.
- 488 Requiring permits for the export of certain articles—Jan. 22, 1941.
- 1124 Requiring permits for the export of certain products—Feb. 13, 1941.
- 2050 Defining destinations for which export permits required—March 24, 1941.

NOTE: Schedule No. 1 enumerating articles not to be exported printed in the *Canada Gazette*.

Order in Council authorizing licences to two Norwegian vessels re
fishing in Canadian waters

P.C. 2449

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by The Deputy of His Excellency the Governor General on the 8th April, 1941.

The Committee of the Privy Council have had before them a report, dated April 2nd, 1941, from the Minister of Fisheries representing as follows:

Following the occupation of Norway by enemy forces, two fishing vessels, the M/V "Kaare 2" and the M/V "Bergholm", owned and registered in that country, escaped and later proceeded to the Atlantic Coast of Canada.

Permission was sought through the Royal Norwegian Consul General for Canada to allow both vessels to carry on fishing operations from Canadian Atlantic ports.

Necessary arrangements covering immigration requirements were completed to permit the refugee officers, crews and their families to remain temporarily in Canada.

To comply fully with the request of the Royal Norwegian Consul General, authority is required to enable these vessels to fish in Canadian waters and to land and enter their catches duty free at Canadian Ports.

The Minister, having in view the peculiar circumstances under which these vessels reached Canadian ports and being of opinion that under certain special conditions the request of the Royal Norwegian Consul General might reasonably and properly be granted, recommends, with the concurrence of the Secretary of State for External Affairs and the Minister of National Revenue, that pursuant to the provisions of Section 2 of the Customs and Fisheries Protection Act, R.S. 1927, Chapter 43, authority be given for the issuing of licences subject to conditions provided hereinafter, to the Norwegian Motor Vessels "Kaare 2" and "Bergholm", for a period of one year from October 1st, 1940, to fish for, take, dry or cure any fish of any kind whatsoever, in British waters, within three marine miles of any of the coasts, bays, creeks or harbours of Canada, not included within the limits specified and described in the first article of the convention between His late Majesty King George the Third and the United States of America, made and signed at London on the twentieth day of October, one thousand eight hundred and eighteen; it to be strictly understood that the operations under the licences are to be confined to the Atlantic Coast of Canada and that continuation in force of the licences will be subject to the following conditions,—

- (a) That each licence will be valid only so long as Norway remains our ally in the present war, and
- (b) That each licence will be valid only so long as the carrying on of ordinary fishing activities in Norwegian waters is prevented by reason of the enemy occupation of that country.

The Minister further recommends that under the authority of the War Measures Act the Customs duty and excise taxes paid or ordinarily payable on fish landed at Canadian ports from the two Norwegian fishing vessels, the M/V "Kaare 2" and the M/V "Bergholm" during the period of operation under licence as provided for in the preceding paragraph, viz: one year from October 1st, 1940, be remitted.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council rescinding regulations re wheat acreage reduction
(supersedes P.C. 2314 of April 2, 1941)
COPY

P.C. 2456

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of April, 1941.

PRESENT:

The Deputy of
His EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Agriculture reports that because of loss of markets arising out of the war the quantity of wheat which may be delivered for sale to the Canadian Wheat Board or on open market or otherwise during the crop year 1941-42 is to be limited to 230 million bushels and the quantity to be delivered is to be based on 65 per centum of the 1940 acreage;

That the consequent reduction in wheat marketing in 1941 will decrease the income of wheat producers in the Prairie Provinces;

That it is desirable that the quantity of wheat in storage should not be increased;

That it is further desirable that land taken out of wheat production be summer-fallowed or seeded to coarse grains or grass; and

That it is also desirable to rescind the regulations established by Order in Council P.C. 2314 dated April 2nd, 1941, and to make new regulations to provide for certain matters not dealt with therein;

Therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, and under and by virtue of the powers conferred by the War Measures Act, is pleased to order as follows:

1. The regulations established by the said Order in Council P.C. 2314 dated April 2nd, 1941, are hereby rescinded.

2. The annexed regulations with respect to payments in the Provinces of Manitoba, Saskatchewan, and Alberta, and the Peace River District of British Columbia, of specified sums per acre on the number of acres which are taken out of wheat production and seeded to grass or coarse grains or summer-fallowed in 1941, are hereby made and established; all or any payments or expenditures thereunder to be chargeable against money voted by Parliament.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Regulations

1. In these regulations unless the context otherwise requires—

“Coarse grains” means barley, oats, rye, corn, peas, flax and millet.

“Farm” means the total land being operated as a unit.

“Farmer” means an owner operator, or tenant operator of a farm.

“Grass” means all grasses, clovers and alfalfa.

“Landlord” means an owner of a farm operated by another person

and includes a mortgagee or unpaid vendor who by contract or by law has a right to or a lien on or ownership in a part of the crop grown on a farm.

"Minister" means the Minister of Agriculture.

"Summer-fallow" means the cultivation of fallow land prior to and including July 31st, 1941, in such a way as to conserve soil moisture or to prevent soil drifting, or both.

Wheat Acreage Reduction

2. (1) For the purpose of these regulations the wheat acreage reduction on any farm shall be computed by deducting the number of acres sown to wheat on such farm in 1941 from the number of acres sown to wheat on such farm in 1940.

(2) For the purpose of computing the wheat acreage reduction,

(a) In respect of any farm

(i) on which the number of acres sown to wheat in 1940 is greater, by one-third or more, than the number of acres sown to wheat in 1939, or

(ii) on which the number of acres sown to wheat in 1940 is less, by one-third or more, than the number of acres sown to wheat in 1939.

the number of acres sown to wheat in 1940 shall be deemed to be the average number of acres sown to wheat in 1939 and 1940.

(b) In respect of any farm on which no land was sown to wheat in 1940, but on which farm more than sixty per cent of the number of acres under cultivation had been sown to wheat in 1939, the number of acres sown to wheat in 1940 shall be deemed to be sixty per cent of the number of acres under cultivation on such farm.

(c) In respect of any farm on which the number of acres under cultivation was increased during 1940 by breaking any part or parts thereof not previously broken, eighty per cent of the number of acres by which the number of acres under cultivation on such farm was so increased shall be deemed to be included in the number of acres sown to wheat on such farm in 1940.

(d) In respect of any farm on which no land was broken prior to 1940, if any land was broken on such farm during 1940, eighty per cent of the number of acres so broken shall be deemed to be the number of acres sown to wheat on such farm in 1940.

Payments

3. (1) The Minister may, on or after July 1st, 1941, in respect of any wheat acreage reduction on any farm, pay

(a) the sum of \$4.00 in respect of each acre which is summer-fallowed in 1941 in excess of the number of acres which were summer-fallowed in 1940,

(b) the sum of \$2.00 in respect of each acre which is sown to coarse grains or grass on or before July 31st, 1941, in excess of the number of acres which were sown to coarse grains or grass respectively in 1940.

(2) The Minister may pay an additional sum of \$2.00 in respect of each acre, in respect of which any payment may be made under paragraph 1 of this regulation, which was sown to grass in 1941 or which was sown to rye on or after August 1st, 1941, and is in grass or rye on July 1st, 1942.

Applications

4. A farmer to be eligible for any payment with respect to wheat acreage reduction shall make application not later than May 31st, 1941, to the Secretary of the Municipality in which he resides or, in the case of unorganized areas, to the Provincial Government, on a form to be distributed by the Municipal Secretary or the Provincial Government as the case may be, and on fulfilment of one or more of the provisions of Regulation 3, shall submit a sworn statement or statements of claim for payment.

5. A landlord to be eligible for any payment with respect to wheat acreage reduction shall make application not later than May 31st, 1941 to the Secretary of the Municipality in which the land in which he has an interest is located or, in the case of unorganized areas, to the Provincial Government, on a form as referred to in Regulation 4.

Crop Share Leases and Agreements, etc.

6. If by the terms of any contract, agreement or lease, any farmer is bound to sow to wheat any part or proportion of his farm, and if such farmer desires to become eligible for any payment under these regulations, such farmer shall be entitled to reduce the number of acres sown to wheat on his farm to such extent as he sees fit and to sow to coarse grains or grass or to summer-fallow such wheat acreage reduction, notwithstanding the terms of such contract, agreement or lease, but the provisions of this regulation shall not be deemed to relieve him of the performance of any other of the terms or provisions of the said contract, agreement or lease.

7. Notwithstanding the provisions of any Dominion or Provincial statute or any regulations or orders made thereunder or anything done pursuant thereto, a landlord shall be entitled to a proportion of any monies paid under these regulations in respect of his farm as hereinafter set out, that is to say,

- (a) in the case of a farm in respect of which the landlord is entitled to a share of one-third or more of the crop returns on the whole of the farm, a proportion of not more than one-third of the amount so paid,
- (b) in the case of a farm in respect of which the landlord is entitled to a share of one-third or more of the crop returns of a part only of such farm, a proportion of not more than one-third of such part of the amount so paid as is in the same proportion to the whole amount so paid as the number of acres under cultivation on the part of such farm which is owned by such landlord is in proportion to the number of acres under cultivation on the whole of such farm,
- (c) in the case of a farm in respect of which the landlord is entitled to a share of less than one-third of the crop returns on the whole or any part or parts of the farm, a like lesser proportion of the amount so paid, calculated in a manner similar to that set out in the next preceding sub-paragraphs (a) and (b), in the cases therein specified.

7A. In any case where two or more persons make application to the Minister for and are eligible or are entitled to share in any monies payable under these regulations in respect of the same farm, payment of any such monies shall be made to the farmer, in the joint names of both or all of such applicants.

8. No payment shall be made under these regulations with respect to any farm which was operated by a tenant in 1940 and is operated by hired labour in 1941.

9. No payment shall be made with respect to reduction in wheat acreage on the following lands:

- (a) Farm lands operated as Experimental Farms.

(b) Farm lands declared sub-marginal under the provisions of a provincial statute and not occupied in 1940.

(c) Farm lands operated by Provincial Governments, government institutions, or universities.

10. The Minister may withhold payment from any farmer who submits a false report of his acreage or a false claim for payment.

11. The Minister may, with the approval of the Governor in Council, appoint such administrative and technical officers and employees as he may deem necessary for the purposes of these regulations and at such rates of pay as may be likewise approved.

12. The Minister may appoint such temporary, field, clerical or other assistants as may be required, the rates of pay to be approved by the Governor in Council.

13. The Minister may pay, out of monies appropriated by Parliament, all administrative including travelling and other expenses incurred under these regulations.

**Order in Council authorizing regulations respecting ship repairs—
appointing D. B. Carswell Controller of Ship Repairs**

P.C. 2510

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of April, 1941.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 6797 of 27th November, 1940, David Ballantyne Carswell, Esquire, was appointed Controller of Ship Construction and Repairs, the duties of which office he was to carry out in addition to his duties as Director General of the Shipbuilding Branch of the Department of Munitions and Supply;

And whereas by the same Order in Council Regulations Respecting Ship Construction and Repairs were made and established;

And whereas by Order in Council P.C. 2047 of 24th March, 1941, William Percival, Esquire, was appointed Deputy Controller of Ship Construction and Repairs;

And whereas the Minister of Munitions and Supply reports that steps have been taken to provide for the present and potential needs of Canada in respect to the construction of ships;

That the Controller of Ship Construction and Repairs represents that due to the requirements of the Canadian ship repair industry and the urgent need to organize, mobilize, co-ordinate and regulate the same with a view to securing the maximum use of the facilities available it is advisable that the Controller of Ship Construction and Repairs and the Deputy Controller of Ship Construction and Repairs should hereafter devote their time exclusively to matters connected with the repair of ships including the construction, maintenance and use of dry docks; and

That the said David Ballantyne Carswell is now relinquishing his appointment and duties as Director General of the Shipbuilding Branch of the Department of Munitions and Supply;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and pursuant to the powers conferred by the Department of Munitions and Supply Act and by the War Measures Act, is pleased to order as follows:—

1. The said Orders in Council P.C. 6797 of 27th November, 1940, and P.C. 2047 of 24th March, 1941, are hereby rescinded.

2. David Ballantyne Carswell, Esquire, of the City of Montreal, is hereby appointed Controller of Ship Repairs.

3. William Percival, Esquire, of the City of Montreal, is hereby appointed Deputy Controller of Ship Repairs.

4. The following regulations respecting ship repairs are hereby made and established:

REGULATIONS RESPECTING SHIP REPAIRS

(1) For the purpose of these regulations:

- (a) "Minister" shall mean the Minister of Munitions and Supply;
- (b) "Controller" or "Controller of Ship Repairs" shall mean the person from time to time appointed as Controller of Ship Repairs by the Governor General in Council;
- (c) "Works" shall mean graving docks, floating docks, dry docks, marine railways, and all other docks, buildings, shops, factories, plant and facilities used or usable for the inspection, maintenance or repair of ships as hereinafter defined, and the land upon which the same are situated;
- (d) "Tools" shall mean tools, machines, machinery, derricks, cranes, vehicles, cars, locomotives, or other means of transport and all other equipment and facilities not included in the definition of "works", and used or usable for the inspection, maintenance or repair of ships as hereinafter defined, or required for any purpose in connection with the operation of works;
- (e) "Ship" shall mean any ship, boat or vessel, of any kind, and of whatever materials constructed, and whether it be propelled by the wind or some form of mechanical power or human labour, and whether the same be used for naval, mercantile or other purposes and whether owned by His Majesty, or some other person;
- (f) "Repairs", "Repair" and "Repairing" shall mean and include not only the repair of damage or wear but any and all rebuilding, refitting, alterations, painting, improvements or additions made to any ship;
- (g) "Operator" shall mean the owner, lessee, or other person in control or charge of, or of the operation of, any works or tools, and any person engaged in the business of repairing or equipping ships;
- (h) "User" shall mean the owner, charterer, lessee or other person in charge or control of a ship or of the operation thereof.

(2) The Controller of Ship Repairs shall have the power:

- (a) Subject to the approval of the Governor General in Council to buy, take possession of or otherwise acquire, build, make, maintain, repair, operate, lease, transport, move, remove, loan, sell, exchange or otherwise dispose of, and generally to deal in works, or any estate, share or interest therein;

- (b) To buy, take possession of or otherwise acquire, maintain, repair, operate, store, transport, move, remove, loan, sell, exchange or otherwise dispose of, and generally to deal in tools, or any share or interest therein;
- (c) To control, allocate and distribute between various persons and for serving the needs and requirements of various ships, as he may in his absolute discretion determine, any works or tools and for that purpose to give all such orders or directions as may be required, to the operator of such tools or works;
- (d) To enter on any land, works or ships for the purpose of inspecting the same;
- (e) To enter on, take possession of and utilize any land, works or tools, used or usable for repairing ships;
- (f) To require any operator to make use of any works or tools, which he may own or operate, or of which he may be in control or charge, as the Controller may direct; and in particular to require any operator to make available his works or tools, or any part thereof for inspecting, repairing or rendering any other service to any ship, at any time and in priority to the necessities or requirements of any other ship or person, and notwithstanding any agreement or contract made between the operator and any other person, and notwithstanding that work has been begun and partially completed under any such agreement or contract with any such other person;
- (g) To require the user of any ship in respect of which, in the opinion of the Controller or user, repairs are required, to have such repairs effected at such place and time and in such manner, as the Controller shall direct and for that purpose to require the user to have the ship proceed to such place and make use of such works for the purpose of the making of such repairs, as the Controller shall direct, notwithstanding that the user may have entered into a contract to have such repairs effected at some other place, or in some other manner, or by the use of works or facilities other than those selected for the purpose by the Controller;
- (h) To hear and decide any controversy between an operator and a user concerning any matter over which jurisdiction is given to the Controller by these regulations or by any statute or Order in Council;
- (i) To require and oblige any operator to undertake, carry through and complete any repairs, inspection and all other incidental services to any ship, even though such repairs may have been commenced and partially completed by some other person;
- (j) To restrict or prohibit the use of tools or works for certain purposes;
- (k) To vary any contract between an operator and a user or between operators;
- (l) To order that no operator or other person may inspect or repair any ship unless he shall have obtained a licence issued by the Controller;
- (m) To issue and re-issue licences or permits for the inspection or repair of ships, and to suspend, cancel or refuse to issue any such licence or permit whenever the Controller deems it in the public interest to do so; and, subject to the approval of the Minister, to fix the fees payable for the issue of such licences or permits, and to prescribe the manner, procedure, terms and conditions under which such licences or permits shall be obtained;
- (n) To fix, and alter, from time to time, the rates, fees or charges which an operator may charge for the use of any works;

- (o) To prohibit the construction or the making of any structural change in, or addition to any works, or the use and operation of any new works, without a licence or permit;
- (p) To require from time to time any operator or user to furnish the Controller, in such form and within such time as the Controller may prescribe, written reports under oath or affirmation showing such information as the Controller may deem necessary;
- (q) To require any operator or user to produce to any person authorized in writing for the purpose, by the Controller, any specified books or documents, and to permit the person so authorized to make copies of, or take extracts from any such books or documents; and, when the Controller deems necessary, to remove any such books or documents and place them in the custody of such person as the Controller may direct;
- (r) Subject to the approval of the Governor General in Council, to advance moneys to any operator;
- (s) To do anything necessary to carry out the powers herein conferred;

(3) Any operator or other person prevented from executing or carrying out a contract relating to ship repairs by these regulations or the exercise of any of the powers herein conferred shall be exempt from all responsibility respecting such contract, notwithstanding the provisions of any laws, whether Dominion or Provincial, or the regulations or orders of any governmental authority or board or of the provisions of any such contract;

(4) The Compensation to be paid to any operator or user for damages (if any) occasioned by interference with contracts by reason of these regulations or the exercise of any of the powers herein conferred, shall be such as may be agreed upon between such operator or user and the Controller or in default of agreement shall be such as is determined by the Exchequer Court on a reference thereto by the Minister.

(5) If the Controller takes possession of any works, the compensation in respect thereof shall in default of agreement be such as is determined by the Exchequer Court on a reference thereto by the Minister.

(6) Any person who contravenes or fails to observe any regulation, or any direction, prohibition, permit, licence or requirement of the Controller, or who, in any manner, hinders or obstructs the Controller in the exercise of his powers, shall be guilty of an offence under the Department of Munitions and Supply Act.

(7) To present for discussion and guidance such relevant problems as may arise in connection with priority in ship repairs or otherwise, and generally to advise and assist the Controller in the performance of his duties, there shall be an Advisory Committee consisting of:

- (a) A representative of the British Admiralty designated by the First Lord thereof;
- (b) A representative of the Department of National Defence-Naval Services, designated by the Minister of National Defence-Naval Services;
- (c) A representative of the Ministry of Shipping of the United Kingdom designated by the Minister of Shipping;
- (d) A representative of the Canadian Shipping Board designated by the Minister of Trade and Commerce;
- (e) A representative of the Department of Transport designated by the Minister of Transport, and
- (f) The Controller.

(8) The Deputy Controller of Ship Repairs and his duly appointed successors in office shall have and exercise any and all powers and discharge any and all duties conferred and/or charged upon the Controller of Ship Repairs; subject to any restriction thereof which the Controller of Ship Repairs may from time to time impose, and subject in all cases to review by the Controller of Ship Repairs;

His Excellency in Council is hereby further pleased to direct:—

- (A) That there be paid to the said David Ballantyne Carswell as Controller of Ship Repairs,
- (a) a salary equal to that of which he has been in receipt as Director General of the Shipbuilding Branch of the Department of Munitions and Supply; and
 - (b) his actual out of pocket expenses incurred by him in connection with the discharge of his duties and/or the exercise of his powers.
- (B) That there be paid to the said William Percival as Deputy Controller of Ship Repairs,
- (a) a salary equal to that of which he has been in receipt as Deputy Controller of Ship Construction and Repairs; and
 - (b) his actual out of pocket expenses incurred by him in connection with the discharge of his duties and/or the exercise of his powers.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing revision of Lobster Control Scheme

P.C. 2517

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by The Deputy of His Excellency the Governor General on the 10th April, 1941.

The Committee of the Privy Council have had before them a report, dated 9th April, 1941, from the Minister of Fisheries, representing as follows:

Following the loss of export markets for canned lobster in Europe by reason of restrictions imposed by the state of war, the Minister of Fisheries, acting under the authority of the War Measures Act by Orders in Council P.C. 1702, May 1st, 1940, and P.C. 2521, June 12th, 1940, appointed a Controller for Canned Lobster who was empowered to buy up to 55,000 cases of canned lobster produced in Canada during the 1940 season at fixed prices of \$18, \$17 and up to \$16 per case according to quality, and to sell the lobster so purchased wherever a market could be found.

As a result of the operation of this plan the Controller, together with the private dealers, was able to sell the product of the 1940 season.

The aforesaid restrictions to the export of canned lobster to Europe which in normal times amounts to approximately ninety per cent of production, still prevail.

The 1941 fishing and packing season is about to begin. It is anticipated that the pack will be approximately 65,000 cases as compared with 58,000 in 1940, 86,000 in 1939, and an average of 97,000 cases for five years prior to 1939.

While the industry was able to sell the product of the 1940 season in markets on this continent due to the intervention of the Controller for Canned Lobster, it is unlikely that this can be done in the 1941 season without similar intervention, unless it be done at the expense of very low wholesale prices for canned lobster which in turn will mean very low prices to the lobster fishermen which will bring about distress and disorganization of the industry.

In order to develop a steady and satisfactory demand for canned lobster on this continent upon which the stability of the industry must be predicated, without the expedient of government intervention, it is essential that certain reforms be undertaken by the industry. These reforms must be directed towards:

- (1) An adequate return to the fishermen for raw lobster intended for canning.
- (2) The increase in efficiency of canneries so that canned lobster of a uniform state of quality may be produced economically.
- (3) The maintenance of such levels of wholesale prices as will permit the retail price for canned lobster to compare favourably with other competing food products.

Referring to (1), competition amongst canners for supplies of raw lobster will be such that lobster fishermen will receive adequate returns providing the price offered to the canners by the broker-dealers for canned lobster is maintained at proper levels.

Referring to (2), increase in efficiency of canneries may eventually be secured by causing large wholesale buyers to demand a government inspected and graded product.

Referring to (3), large wholesale buyers may be caused to demand a government inspected and graded product by reason of its advantage to them if sufficient quantities of such a product are supplied to them through the operations of an intervention plan.

Wholesale prices for canned lobster must be kept at such levels as will permit an adequate return to the canners and a proper relation to exist between the retail price of canned lobster and other alternative food products.

In order that the conditions set forth in the preceding four paragraphs may be met, it is necessary to revise the Scheme for government intervention in the marketing of canned lobster.

Under these circumstances, it is considered advisable and necessary for the security and welfare of Canada to continue to assist the lobster fishermen as the primary producers, and the continuity of the industry by revising the Control Scheme of 1940 so that the above mentioned reforms may be forwarded as well as the continuation of efforts to establish a steady and satisfactory demand for canned lobster in the markets of this continent to compensate for the loss of export markets.

The Minister, therefore, on the advice of the Deputy Minister of Fisheries, recommends that under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, the Dominion Government continue its intervention in the marketing of canned lobster by appointing a Controller for Canned Lobster; all actions or authorities exercised, or to be exercised by the above mentioned Controller under the provisions hereof to be subject to the approval of the Minister of Fisheries.

The Minister further recommends that the said Controller be hereby empowered:

- (a) to buy not more than 30,000 cases each containing forty-eight pounds, so-called, of canned lobster and canned lobster products, providing these are the products of Canada in the 1941 fishing season only, at

prices which vary from \$15 to \$20 per case of forty-eight pounds, so-called, according to the quality of the product and the state of the market at the time the offer is made, at the discretion of the Controller;

- (b) to devise, set up and establish such systems of inspection and grading as will be necessary to enable him to sell inspected and graded canned lobster;
- (c) to secure such warehouses and facilities as will enable him to conserve and to market the lobster so purchased, and where the economies effected by such procedure warrant, to store canned lobster in the United States in the hands of forwarding agencies for distribution to the Controller's customers in the United States and to pay fees in connection therewith;
- (d) to sell such canned lobster as he buys wherever a market can be found, and particularly to continue the development of new markets;
- (e) to engage sufficient personnel with the approval of the Governor in Council for as long a period as will, with due regard to economy and sound business practice, be necessary to the successful operation of the purchasing and selling scheme; provided that the Controller be authorized to employ at prevailing rates the casual assistance required for the handling of the canned lobster bought and sold by him and the recording of the transactions involved, where the period of employment is not expected to exceed one month and subject to authorization by the Governor in Council if the period of employment in fact exceeds one month.

The Minister also recommends,—

1. That sufficient sums of money be made available from the amount voted for this purpose under the War Appropriations Bill to make possible the purchase of the canned lobster above referred to, and to defray the expenses involved in buying and selling the canned lobster;

2. That all amounts of money resulting from the sale of the canned lobster above referred to be paid to the Receiver General of Canada;

3. That sums of money be made available from the amounts voted under the War Appropriations Bill for the Lobster Control Scheme to conduct an advertising campaign for canned lobster; such sums not to exceed \$50,000;

4. That Donovan Bartley Finn, Esquire, of Ottawa, be appointed Controller for Canned Lobster, as from April 1st, 1941; and that William Stanley Lee, Esquire, of Halifax, be appointed Assistant Controller in charge of Purchasing, at a salary at the rate of \$4,500 per annum, as from April 1st, 1941; and that the actual out-of-pocket travelling and living expenses be paid to these appointees while absent from their stations in connection with the duties of the above Scheme; and

5. That Orders in Council setting up the Lobster Control Scheme for the year 1940, viz.:

P.C. 1702, dated May 1st, 1940;

P.C. 2521, dated June 12th, 1940;

P.C. 12/2446, dated June 8th, 1940;

be hereby revoked.

The committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing Special Products Board

P.C. 2520

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 15th day of April, 1941.

PRESENT:

The Deputy of
His EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Governor General in Council, under the authority of the War Measures Act, established Boards to export, under agreement with the United Kingdom Ministry of Food, certain products or classes of products;

And whereas the Minister of Agriculture reports that the United Kingdom Ministry of Food has been negotiating for the purchase of other products including eggs;

That an order for eggs has just been received from the United Kingdom Ministry of Food, subject to the condition that such eggs be exported through a central Board;

That to meet this requirement and in anticipation of request for delivery of other products not presently being handled in the export market by a Board, it is desirable to establish a Board through which any special product which may be required may be obtained and exported to the United Kingdom Ministry of Food;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to make the attached regulations establishing the Special Products Board for the aforesaid purposes, and they are hereby made and established accordingly.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

*Regulations respecting the marketing and export of certain products
of Agriculture*

1. These Regulations and any amendment and addition thereto may be cited as the Special Products Regulations.

Interpretation

2. For the purposes of these Regulations, unless the context otherwise requires,

- (a) "Board" means the Special Products Board.
- (b) "Minister" means the Minister of Agriculture.
- (c) "Order" means an order of the Board made pursuant to these Regulations
- (d) "Special Product" means any product of agriculture, processed or unprocessed, except bacon and dairy products.
- (e) "Regulation" means any of these Regulations or any amendment or addition thereto.
- (f) "Requirement" means any notification by the Board to any person pursuant to these Regulations requiring performance by such person of any act.

Special Products Board

3. (1) There shall be a Board to be called the Special Products Board, consisting of three members, appointed by the Governor in Council, to hold office during pleasure, of whom two shall be appointed from the staff of the Department of Agriculture and one from the staff of the Department of Trade and Commerce.

(2) If any member is unable at any time by reason of absence, incapacity or other inability to perform the duties of his office, the Minister may appoint temporarily a substitute member upon such terms and conditions as he may determine.

(3) The Board may establish at any place or places in Canada such office or offices as are required for the discharge of the duties of the Board, and may provide therefore the necessary accommodation, supplies and equipment.

(4) The Board may, subject to the approval of the Governor in Council, appoint such officers, clerks and other persons as may be deemed necessary to assist the Board in the performance of its duties, and such persons shall receive such remuneration as the Board shall, with the approval of the Governor in Council, determine.

(5) The Board may appoint such temporary agents or other persons to assist the Board in the performance of its duties and who shall receive such remuneration as the Board shall determine.

(6) Two members of the Board shall form a quorum, and the concurrence of at least two members shall be necessary for the execution of any act by the Board and the act of two of its members shall be deemed to be an act of the Board.

(7) Members of the Board as well as officers, clerks and other employees of the Board shall be entitled to receive and to be paid their actual reasonable disbursements for travelling expenses necessarily incurred by them in connection with the discharge of their duties.

(8) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Chairman of the Board may decide.

(9) Every member of the Board, upon appointment to office, shall take and subscribe before the Clerk of the Privy Council the following oath:

I, solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as the Chairman (or as member) of the Special Products Board.

(10) The Board with the approval of the Governor in Council may designate as members of an Advisory Committee to assist it in its duties, representatives of the producers, processors, shippers, wholesalers or manufacturers of any special product.

Powers of the Board

4. (1) The Board shall have power, subject to the approval of the Minister,

(a) to regulate the export of special products to the United Kingdom pursuant to agreements made between the Government of Canada and the United Kingdom and to that end to arrange with or require any person to ship and deliver on board ship at seaboard, special products of the quantity and quality specified in such arrangements or requirements for shipment to the United Kingdom Ministry of Food, or as it may direct;

(b) to require any person to store for future delivery to the United Kingdom Ministry of Food such special products as the Board determine shall be necessary to satisfy future requirements of the aforesaid Ministry of Food under agreements with the Government of Canada;

- (c) to determine the prices which shall be paid for special products delivered in accordance with requirements of the Board;

Provided that in the case of special products stored or processed in accordance with the requirements of the Board the prices to be paid for such special products shall not exceed the prices of the products at the time they were taken into store plus carrying, processing and storage charges approved by the Board; and provided further that in determining the prices which shall be paid for special products delivered as required by the Board and in requiring persons to store special products and in exercising all or any of its other powers it shall be the duty and responsibility of the Board to have regard to the present and future conditions of the market for special products and the undertakings and needs of the Government of the United Kingdom under its agreements with the Government of Canada and to ensure that the prices to be paid to persons and all other expenditures or liabilities incurred or to be incurred in respect of such special products delivered as aforesaid (administrative expenses of the Board excepted) shall be fully covered by and met out of the amount to be paid by the Government of the United Kingdom under the agreements aforesaid;

- (d) in determining prices to be paid as hereinbefore provided, to establish differentials in prices that will be paid for official grades;
- (e) to requisition cheques to be drawn against any special account hereinafter referred to for the payment of special products delivered pursuant to the requirements of the Board;
- (f) to inspect special products delivered or to be delivered pursuant to requirements of the Board and to reject any such products which do not conform to the required grade standards;
- (g) to require any exporter to give priority to the delivery of special products to be delivered pursuant to a requirement of the Board;
- (h) to consult from time to time with any advisory committee that may be named by the Governor in Council on the recommendation of the Minister to assist the Board;
- (i) to require any persons producing, dealing in or having control of any special products or accommodation suitable for storage thereof to make periodical or other returns at such times and containing such particulars as the Board may require;
- (j) to make arrangements with the United Kingdom Ministry of Food with respect to minor or incidental adjustments of prices and quantities of special products to be delivered to the aforesaid Ministry of Food under its agreements with the Government of Canada;
- (k) to incur, out of moneys provided by Parliament, expenditures for the maintenance of offices, for salaries and travelling expenses of members and appointees of the Board, for travelling expenses of members of any advisory committees named by the Governor in Council and of persons whose services may be temporarily required;
- (l) to make such rules as may seem expedient for the conduct of its business and proceedings not inconsistent with the provisions of these regulations.
- (m) to require any person holding any special product to dispose of such product or any portion thereof, as the Board may direct;

(2) Upon receipt of a requirement of the Board by any person to store special products as hereinbefore provided such person shall comply with such requirements according to the terms thereof and shall be entitled to deliver such special products to the United Kingdom Ministry of Food.

(3) Upon receipt of a requirement of the Board by any person to deliver special products as hereinbefore provided such person shall comply with such

requirements according to the terms thereof and subject as hereinafter provided in paragraph (2) of clause 5 shall be entitled to be paid therefor at the price or prices determined by the Board in accordance with these Regulations.

5. (1) There shall be a special account in the Consolidated Revenue Fund called the Special Products Account, to which the Minister of Finance shall from time to time credit all monies received from the United Kingdom Ministry of Food for the purchase of special products.

(2) The Minister of Finance may, subject to the provisions of these Regulations, on the requisition of the Board, pay out of the special account and to the extent only of the amount standing at credit in such special account sums necessary to compensate persons for the particular product delivered by them pursuant to the requirements of the Board, but no other payments shall be made a charge on such special account.

6. No information with respect to the business of any person, which has been obtained under or by virtue of these Regulations shall be disclosed without the consent of the person carrying on that business; Provided that nothing in this subsection shall apply to the disclosure of any information,—

(a) to a Government Department or any person authorized by a Government Department requiring such information for the purpose of the discharge of the functions of that Department; or

(b) for the purpose of any prosecution for an offence under these Regulations.

7. The Board shall maintain complete and accurate records of all its transactions and the Minister of Finance may at any time by means of an officer of his Department inspect such records.

8. (1) Any person who

(a) fails to make any return which he is required by the Board to make; or

(b) knowingly makes any untrue statement in any such return, or

(c) without reasonable excuse fails to comply with any order or requirement of the Board; or

(d) fails to produce to any person authorized for the purpose by the Minister of Finance or the Board any books or documents of any description; or

(e) exports or attempts to export special products to the United Kingdom in contravention of any order of the Board; or

(f) discloses information contrary to these Regulations; or

(g) commits any act or deed in contravention of these Regulations not hereinbefore specified,

shall be guilty of an offence under these Regulations and shall be liable on summary conviction to a fine not exceeding \$500.00 and if he be convicted in respect of a failure to make a return as required by paragraph (a) hereof and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding \$200.00 for each day on which such failure continues, not however, exceeding a total of \$5,000.00.

(2) Where any offence under these Regulations, committed by a body corporate, is proved to have been committed with the consent or connivance of any Director, Manager, Secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

9. These Regulations shall come into force on the date of approval and any subsequent regulation or any amendment or repeal of any regulation shall come into force upon publication in the *Canada Gazette*.

(2) Any order of the Board shall be effective from the date of publication in the *Canada Gazette*.

10. The Board shall report to the Minister as and when required to do so by the Minister.

Order in Council amending Reserve Army (Special) Regulations 1941
(P.C. 1910)—University Students

P.C. 2537

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of April, 1941.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 17 (2) of The National War Services Regulations, 1940 (Recruits), as amended and consolidated by Order in Council P.C. 1822 dated the 18th day of March, 1941, provides:

17 (2) "Students taking a course leading to a degree or diploma at a University or College named on any list as aforesaid, who, between July 1st 1940 and June 30th, 1941, both inclusive, have attained or hereafter attain the age of twenty-one years, or who, prior to July 1st, 1940, attained the age of twenty-one years and were called out or were liable to be called out for the period of thirty days' military training ordained in the proclamation issued by the Governor in Council on the 13th day of September, 1940, shall, for the purposes of these regulations, be deemed to have carried out satisfactorily the said period of thirty days' military training if, during the scholastic year or session of 1940-41, they complete or have completed not less than one hundred and ten hours of intramural training with the Canadian Officers' Training Corps or with the compulsory training unit of such University or College, and during such scholastic year or session or thereafter during the year 1941 complete or have completed two weeks' military training at a training centre or camp of the Department of National Defence."

And whereas the Minister of National Defence reports that it is necessary to provide an opportunity for such students who complete or have completed not less than one hundred and ten hours of intramural training with the compulsory training unit of a University or College of the class mentioned in the above quoted Section 17 (2) to take two weeks' military training at a training centre or camp of the Department of National Defence; and

That the moneys required to carry out such Military training are included in Function No. 21 "Army Services Vote."

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of the National Resources Mobilization Act, Chapter 13 of the Statutes of 1940, and the War Measures Act, Chapter 206 Revised Statutes of Canada 1927, is pleased, notwithstanding the provisions of any other Statute and Law, to amend Reserve Army (Special) Regulations 1941, made and established by Order in Council P.C. 1910 dated the 18th day of March, 1941, and they are hereby amended by the addition thereto of the following new section:—

Enlistment of Students in C.O.T.C. 27. (a) All students of the classes mentioned in Section 17 (2) of the National War Services Regulations, 1940 (Recruits) who during the scholastic year or session 1940-1941 complete or have completed not less than 110 hours of intramural military training with the compulsory training unit of a University or College of the character referred to in the said Section 17 (2), and who desire to receive during the scholastic year or session of 1940-1941 or thereafter during the year 1941 two weeks' military training at a training centre or camp of the Department of National Defence, shall, by the said Department, be given the opportunity to take such training and they will, immediately prior to proceeding to such training centre or camp, be enlisted for service in Contingents of the Canadian Officers' Training Corps of the Universities or Colleges which they respectively are then attending or have been attending during the scholastic year or session of 1940-1941, or in Contingents of the Canadian Officers' Training Corps of some other University or College which is considered appropriate if no Contingent of the Canadian Officers' Training Corps exists at the University or College so being or having been attended by any particular student or students. Such enlistment for service in the Canadian Officers' Training Corps shall be under the conditions laid down in The King's Regulations and Orders for The Canadian Militia, 1939 for soldiers of the Non-Permanent Active Militia as modified by this Section 27. On the completion of the two weeks' period of training in the training centre or camp such students will be discharged from the Contingent of the Canadian Officers' Training Corps into which they have respectively been enlisted.

(b) During such period of training, such students shall be carried supernumerary to the establishment of the Contingent of the Canadian Officers' Training Corps in which they have been enlisted, and shall receive the same rates of pay and allowances and other emoluments as are received by members of the said Contingent of like rank and who are undergoing said training.

(c) The Administrative and Training Staffs may be increased by such numbers and at such times as the Minister of National Defence may consider requisite for the purpose of giving effect to the provisions of this Section 27.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending the Reserve Army (Special) Regulations 1941

Canada Gazette (Extra) 15th April, 1941

P.C. 2538

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 5 (n) of the Militia (Special) Regulations 1940, established by Order in Council P.C. 4904, dated 17th September, 1940, provides:

"Any man whose calling out for training is postponed under the National War Services Regulations 1940, shall at such time as the Minister of Defence may determine, be called out for service or duty as a member of the Non-Permanent Active Militia, and unless he is already enrolled

in the Non-Permanent Active Militia or the Royal Canadian Naval Volunteer Reserve he shall at such time and in such manner as may be determined by the Minister of Defence be enrolled in and taken on the strength of an appropriate corps of the Non-Permanent Active Militia, with the same effect as in the case of and upon the same terms as a man called out for training who reports to a training centre and upon medical examination is placed in a medical category of C.1 or higher;"

And whereas Section 4 (a) of the Reserve Army (Special) Regulations 1941, established by Order in Council P.C. 1910, dated 18th March, 1941, provides:

"Militia (Special) Regulations 1940 shall not be applicable to or affect men and the rights, obligations and duties of men called out on and after the twenty-fifth day of February, 1941, for training under or pursuant to the National Resources Mobilization Act, 1940, and any Orders and Regulations made thereunder; but, save as aforesaid, Militia (Special) Regulations 1940 shall (with the exception of Section 11 thereof, which is hereby repealed) remain in full force and effect and applicable to all men, and the rights, obligations and duties of all men, who were called out prior to the twenty-fifth day of February, 1941, for training under or pursuant to the said Act and any Orders and Regulations made thereunder, and who underwent such training."

And whereas the Minister of National Defence reports that it appears that there are men whose calling out for training was postponed prior to the 25th day of February, 1941, who have not been enrolled in and taken on the strength of an appropriate corps of the Non-Permanent Active Militia (now referred to as "Reserve Army");

That the said section 4 (a) of the Reserve Army (Special) Regulations 1941 should provide that Militia (Special) Regulations 1940 shall remain in full force and effect and applicable to such men, so that they shall at such time and in such manner as may be determined by the Minister of National Defence be enrolled in and taken on the strength of an appropriate corps of the Non-Permanent Active Militia (now referred to as "Reserve Army") as is provided for in the said Section 5 (n) of Militia (Special) Regulations 1940; and

That no additional costs are involved;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and under and by virtue of The National Resources Mobilization Act, 1940, Chapter 13 of the Statutes of 1940, and the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased, notwithstanding the provisions of any other Statute and Law, to amend the said Reserve Army (Special) Regulations 1941, and they are hereby amended by the deletion of the period at the end of Section

4 (a), and inserting in lieu thereof a comma, and adding the following words:—
"and of all men whose calling out for training was postponed prior to the 25th day of February, 1941, under The National War Services Regulations, 1940 (Recruits)."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing regulations *re* Customs duty and taxes
on munitions of war

P.C. 1/2540

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by the Deputy of His Excellency the Governor General in
Council, on the 11th April, 1941.*

The Board having had under consideration the application of Order in Council P.C. 87/5724 of October 17, 1940, recommend that, under the authority and by virtue of the War Measures Act, Your Excellency in Council be pleased to order that the said Order in Council be repealed and that the following directions be substituted therefor:

The Government of Canada having undertaken, to the extent practicable, that His Majesty's Government in the United Kingdom will be relieved from the payment of Canadian duties and taxes on articles and materials required in filling war orders or contracts made by the Minister of Munitions and Supply on behalf of the said Government, it is directed that:

A. The United Kingdom

1. The customs duty and/or taxes exigible on all articles and materials and permanent and non-permanent plant equipment, whether imported or manufactured in Canada, for the purpose of filling a war order or contract made by the Minister of Munitions and Supply on behalf of His Majesty's Government in the United Kingdom, shall be collected by the Minister of National Revenue; that is to say, on
 - (i) articles and materials to be incorporated into and form a constituent or component part of a munition of war;
 - (ii) imported permanent and non-permanent plant equipment to be used in the manufacture of munitions of war;
 - (iii) permanent and non-permanent plant equipment manufactured in Canada, to be used in the manufacture of munitions of war.
2. The term "munitions of war", within the meaning and intent of this Order in Council, shall mean gases and chemicals, explosives, arms, ammunition, vehicles, aircraft, ships and other implements of war, and component parts of the foregoing, as enumerated and classified in appendix hereto.
3. The Minister of Munitions and Supply may repay, as a charge to moneys granted by Parliament by a War Appropriation Act, such sums as may be necessary to implement the undertaking given to the said Government with respect to duty and/or taxes levied on articles, materials and equipment referred to in paragraph No. 1 of this Order; provided, no payment shall be made with respect to duty levied on any of the said articles, materials or equipment of a class or kind made in Canada to the standard required for the fulfilment of the relevant contract or order unless the approval in writing of the Minister, the Deputy Minister, or such other person or persons as may be authorized by the Minister, is given to such importation. Such approval in the case of any importation already made may be given after the importation but such approval of any future importation must be given before such importation.

4. The Minister of Munitions and Supply likewise may repay duty and/or taxes, necessarily incurred in the carrying out of an undertaking jointly shared by the governments of the United Kingdom and of Canada, to the extent that such duty and/or tax levies are of concern in implementing the undertaking given to His Majesty's Government in the United Kingdom, after all pertinent records, vouchers and other documents have been reviewed and the amount established by officers of the departments of Munitions and Supply and National Revenue.
5. Whenever any duty or tax is levied subject to final determination by the Minister of National Revenue, no refund shall be made without the knowledge and concurrence of the Minister of Munitions and Supply.
6. Each application for repayment of duty and/or taxes shall be accompanied by a statutory declaration in such form as the Minister of Munitions and Supply and the Minister of National Revenue may require; and such declaration shall be supported by such documents, vouchers and other papers as are necessary to prove the claim for the purposes of this Order in Council. The Comptroller of the Treasury may, before making a payment, solicit an opinion from the Commissioner of Customs or the Commissioner of Excise and may act on such opinion or refer the application to the Treasury Board for final decision.
7. No repayment shall be made to a contractor unless and until he enters into an undertaking, in such form as the Minister of Munitions and Supply may require, that no article, materials or equipment, with respect to which an application for repayment is made, shall be applied, used or consumed for any purpose other than for munitions of war contracts referred to herein. In the case of importations into Canada, the Minister of Munitions and Supply may make an interim payment to the contractor to an amount not exceeding eighty-five per cent of the claim, the payment of the balance to be subject to certificates of the Department of National Revenue that the same is properly payable under the provisions hereof.
8. It shall be a duty resting on the Minister of Munitions and Supply that the contractor observes the terms and conditions of any undertaking given by him. Upon any articles, materials or equipment, with respect to which a repayment of duty and/or taxes has been made, becoming surplus to and being diverted to purposes other than those arising out of contracts made on behalf of His Majesty's Government in the United Kingdom, the Minister of Munitions and Supply shall forthwith make a report to the Minister of National Revenue, who shall determine the sum repayable by the contractor, and the Minister of Munitions and Supply shall recover forthwith that amount to the War Appropriation.

B. Allied Nations, including British Dominions

Contracts for munitions of war placed by the Governments of Allied Nations, including British Dominions, through the Department of Munitions and Supply, shall receive the same treatment as provided for in "A" of this Order in Council in respect of British Government contracts.

C. Contracts for munitions of war placed in Canada direct by the British Government, or by Governments of Allied Nations including British Dominions, shall be considered on their individual merits and special Orders in Council passed if remission or refund of customs duty and/or taxes is to be granted.

D. Materials and Equipment Diverted to Other Use

Articles and materials and permanent and non-permanent plant equipment for use in the manufacture of munitions of war, in respect of which remission or refund was authorized under Order in Council (P.C. 68/537), dated February 8, 1940, as amended by Order in Council (P.C. 1/565), dated February 9, 1940, or Order in Council (P.C. 87/5724), dated October 17, 1940, or in respect of which remission or repayment is in this Order in Council provided, which remain on hand at the close of the war, or which prior to that time are diverted for use other than in the manufacture of munitions of war as defined in the appendix hereto, shall become subject to any customs duty and excise taxes ordinarily applicable unless they are exported or destroyed, and the scrap and salvage resulting from any such destruction shall also become subject thereto, and the person who acquires the goods, whether by purchase or otherwise, shall pay, when he obtains possession thereof, the said customs duties and excise taxes levied at the rates then in effect, computed on the following bases of valuation:—

- (a) In the case of articles and materials, and plant equipment other than machinery, new or unused, on the values thereof on the dates when the relevant customs entries were passed, or on the dates when the goods were delivered to the manufacturer by the Canadian vendor, as the case may be;
- (b) In the case of new or unused articles or materials which after importation or delivery by the Canadian vendor have been processed, on the values thereof as then appraised by a Dominion Customs Appraiser or as determined by an Excise Tax Auditor, as the case may be;
- (c) In the case of new or unused machinery, and used materials, machinery and other plant equipment, on the values as then appraised by a Dominion Customs Appraiser or as determined by an Excise Tax Auditor, as the case may be.

APPENDIX

The term "munitions of war", within the meaning and intent of the said Order in Council, is held to mean:—

GROUP I

Gases and Chemicals

Mustard gas, phosgene, and other gases and chemicals used in chemical warfare for incapacitating the enemy.

GROUP II

Explosives

- (a) Propellants and high explosives of all kinds in any form;
- (b) Pyrotechnics of all kinds in any form.

GROUP III

Arms

- (a) Rifles and carbines, and barrels, aiming tubes, breech mechanisms and stocks therefor;
- (b) Machine guns, automatic rifles, and machine pistols, and barrels, breech mechanisms, mountings, grips and stocks therefor;
- (c) Revolvers and automatic pistols, including signal pistols;
- (d) Guns, howitzers, and mortars, and barrels, breech mechanisms and mountings therefor.

GROUP IV

Ammunition

- (a) Ammunition for the arms enumerated in (a), (b) and (c) of Group III, and bullets, cartridge cases and primers therefor;

- (b) Ammunition for the arms enumerated in (d) of Group III, and filled and unfilled projectiles, fuses, cartridge cases and primers therefor;
- (c) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge.

GROUP V

Vehicles

- (a) Tanks, military armoured vehicles, and armoured trains;
- (b) Limbers and ammunition wagons for use with the arms enumerated in (b) and (d) of Group III;
- (c) Field artillery tractors;
- (d) Automobiles of special design and construction, made to specifications of the British Government, for use of the armed forces in the rapid movement of staff officers and troops;
- (e) Motor trucks of special design and construction made to specifications of the British Government, for use of the armed forces in transporting ammunition, ordnance stores, engineering materials, army service corps supplies, etc., and for the movement of troops, including such special motor trucks equipped as mobile stores, workshops and wreckers;
- (f) Tire chains of special construction, for field artillery tractors and army motor vehicles.

GROUP VI

Aircraft

- (a) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, which by reason of their design or construction are adapted or intended either for military or naval reconnaissance, or for aerial combat by the use of machine guns or artillery, or for the carrying and dropping of bombs, or which are equipped with or prepared for any of the appliances enumerated in paragraph (b) of this Group;
- (b) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms;
- (c) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in (a) of this Group;
- (d) Propellers or air screws and blades therefor, fuselages, hulls, wings, tail units, under-carriage units, skis, pontoons and wheels for aircraft;
- (e) Aircraft engines, unassembled, assembled or dismantled;
- (f) Parachutes and tow targets;
- (g) Special training appliances and instruments for the training of air force personnel.

GROUP VII

Ships

Vessels of war of all kinds, including aircraft carriers, submarines, submarine chasers, patrol boats, and mine sweepers.

GROUP VIII

Electric Cable, of a "De-Gaussing" or de-magnetizing character, for the equipment of vessels as a protection against magnetic mines.

GROUP IX

Searchlight units, mobile or stationary, and electric generating equipment for use therewith.

GROUP X

Other implements of war as from time to time may be determined by the Minister of National Revenue.

GROUP XI

Component parts of the munitions of war enumerated in the foregoing Groups.

A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing the Department of National Defence to act as agent for foreign powers having forces in Canada

P.C. 22/2544

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by The Deputy of His Excellency the Governor General in Council, on the 11th April, 1941.

The Board had under consideration a memorandum from the Honourable the Minister of National Defence reporting:

"That, in consequence of the presence in Canada of Forces of Belgium, Czechoslovakia, the Netherlands, Norway and Poland, all of which are, or it is expected soon will be, present in Canada with the consent of Your Excellency's Government, numerous matters arise in which the services of the Department of National Defence are required which involve consequential expenditure on behalf of the respective Governments.

That the general conditions under which these Forces will function in Canada are governed by correspondence exchanged with accredited representatives in Canada of the three Governments, but there are numerous matters of a financial character relating to the said Forces in which the Department of National Defence is involved wherein that Department must, having regard to the exigencies of the moment, perforce act as the agent of the Powers concerned.

That this possibility was foreseen by Section 3 of The War Appropriation Act, Chapter 3 of the Statutes of 1940, reading as follows:—

3. The Government of Canada may act as the agent of the government of any British or foreign country allied with His Majesty for any purpose which, in the opinion of the Governor in Council, will aid directly or indirectly in the prosecution of the war, and any obligations or costs incurred temporarily or assumed by the Government of Canada in the exercise of the powers hereby conferred may be paid out of any unappropriated moneys in the Consolidated Revenue Fund.'

That, in consequence, it is desirable that the Government of Canada, through the Department of National Defence, act as the agent of these Powers in respect of those matters involving the provision of transportation, supplies, stores, equipment and services capable of being furnished or procured by the Department of National Defence.

To that end, the Acting Deputy Minister of National Defence (Army) has recommended that the Government of Canada, through the Department of National Defence, act as Agent, as aforesaid, and that the expenditure involved be borne in the first instance by the Department of National Defence, the same to be recoverable from the Governments of the respective powers concerned.

The Undersigned, with the concurrence of the Secretary of State for External Affairs, concurs in the recommendation of the Acting Deputy Minister, and has the honour to recommend that the same be approved by Your Excellency in Council."

The Board concur in the above report and recommendation, and submit the same for favourable consideration provided that the outstanding debit balance at any time in respect of any one of the above Governments shall not exceed \$10,000.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations governing claims made by or against the Crown involving The Canadian Army and the R.C.A.F. in the United Kingdom and on the Continent of Europe

P.C. 29/2544

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by The Deputy of His Excellency the Governor General in Council, on the 11th April, 1941.

The Board had under consideration a memorandum from the Honourable the Minister of National Defence reporting:—

"That by an Order in Council dated 2nd October, 1940, P.C. 5299, Your Excellency was pleased to make Regulations the purpose of which was to provide for the speedy settlement of civilian claims arising out of negligent and tortious acts of members of the Canadian Forces on duty in the United Kingdom, particularly with reference to accidents involving Department of National Defence vehicles and aircraft;

That Canadian Military Headquarters in Great Britain have now reported that from the experience gained the aforesaid Regulations do not provide a satisfactory method of dealing with such cases, and have recommended that, for the following reasons, the said Order in Council dated 2nd October, 1940, P.C. 5299, be rescinded, and that the application to cases occurring in the United Kingdom of the Regulations made by Order in Council dated 19th March, 1940, P.C. 80/1045, be modified:—

- (a) Claims not involving negligence have arisen from billeting and damage to lands and crops through training and manœuvres by reason of troops remaining in the United Kingdom, and not proceeding to the Continent of Europe as originally contemplated.
- (b) Disciplinary action against Service personnel involved in road accidents cannot under the said Order in Council P.C. 5299 be prompt when such action must be deferred until the civilian claim is paid in order to effect, through the punishment awarded to such personnel, the reimbursement of the Crown at the scale prescribed in the said Order in Council.
- (c) More than one-half of the claims which are received are submitted by Insurance Companies, of which about Seventy are now involved. Canadian Military Headquarters is now of the opinion that it would not be good policy to reject such claims as required by Section 6 of the said Order in Council, for they consider that with respect to the Canadian Forces present in the United Kingdom there should be

adopted the practice followed by the United Kingdom Government with respect to the United Kingdom Forces, whereby mutual forbearance agreements, or "knock for knock" collective agreements are entered into with the various Insurance Companies. Canadian Military Headquarters advise that there is every probability that, in respect of the Canadian Forces, similar agreements can be entered into.

- (d) The United Kingdom Government has recently constituted a Claims Commission, with powers and a procedure devised from experience which is similar to that gained by the Canadian Forces.
- (e) The United Kingdom Authorities have to a large extent eliminated the investigation of road accidents through the medium of a Court of Inquiry, as this procedure makes for delay, and takes up the time of Officers for whom training is essential. In lieu of this a Road Accident Report Form has been substituted, and Canadian Military Headquarters propose to adopt the same course of action.

That these matters were discussed with the undersigned when in the United Kingdom by the General Officer Commanding the Canadian Corps and the Senior Combatant Officer of Canadian Military Headquarters, and he agrees generally with the aforesaid representations.

To that end, the undersigned has the honour to recommend that Your Excellency in Council, under and by virtue of the provisions of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Law, Statute or Regulation, be pleased to make the following Regulations:—

Regulations Governing Claims made by or against the Crown in the Right of the Dominion of Canada, and involving The Canadian Army and the Royal Canadian Air Force in the United Kingdom, and on the Continent of Europe.

1. A Canadian Claims Commission (Overseas) is hereby constituted in the United Kingdom, and the members of the Commission shall be the officers holding the appointments of the Deputy Judge Advocate-General, the Deputy Adjutant-General and the Assistant Judge Advocate-General at Canadian Military Headquarters in the United Kingdom, or, in the event of any one of them not being available at any particular time, such other officer of the said Headquarters as is then acting for such respective member. In respect of claims involving Royal Canadian Air Force personnel, vehicles or aircraft, there shall be an additional member ad hoc of the said Commission, who shall be such officer of the Royal Canadian Air Force as the Senior Combatant Officer of the Royal Canadian Air Force Headquarters in Great Britain may from time to time name.

2. The duties of the Commission shall be:—

- (a) To deal with claims against the Crown in the right of the Dominion of Canada (hereinafter referred to as "the Crown") arising in the United Kingdom and on the continent of Europe out of any death or injury to the person or to property resulting from the alleged negligence of any Canadian Military or Air Force personnel or of any civilian personnel employed by the Department of National Defence while acting within the scope of their duties or employment.
- (b) To deal with claims involving personnel mentioned in (a) arising in the United Kingdom and on the continent of Europe and made against the Crown in respect of loss or damage arising out of or incidental to billeting or quartering, damage to lands and crops caused during training or manœuvres or at other times.

- (c) To deal with all claims which the Crown may have against any person, corporation or authority in the United Kingdom or Europe, (other than against the Government of the United Kingdom or of any State in Europe), arising out of any death or injury to Canadian Military or Air Force personnel, or to civilian personnel employed by the Department of National Defence, or out of damage to property belonging to the Crown or used by the Crown which is under the control of the Department of National Defence.
- (d) To function and co-operate with the British Claims Commission in the United Kingdom and any Claims Commission which may be set up under Field Service Regulations, 1930, Volume 1, Section 200, in any theatre in Europe in which Canadian Forces are present, as the Minister of National Defence may direct.
- (e) To keep records of its proceedings and of all claims and payments dealt with by it.
- (f) To provide for adequate investigation of and reporting on all claims which are within its jurisdiction, and for the settlement or other disposition thereof.

3. The powers of the Commission shall be:—

- (a) To consider claims mentioned in Section 2, subsections (a) and (b), and determine whether the Crown, but for any immunity or privilege, would be legally liable in the circumstances of each claim.
- (b) If it is determined that there is such liability then to negotiate what in its opinion is a fair and reasonable settlement, provided that no such settlement with any one claimant, shall exceed £1,000 in respect of any one accident or incident.

Upon the authorization of the Commission the Chief Treasury Officer (Overseas) shall, on production of a duly executed release, pay the amount of such settlement to the claimant.

All claims which cannot be so dealt with shall be referred with all relevant material before the Commission to the Department of National Defence.

- (c) If it is determined that there is no such liability, then to reject the claim, unless the Commission decides that such claim should in the interest of the Service be entertained, and if so, then to negotiate what in its opinion is a fair and reasonable settlement on an ex gratia basis, provided that no such settlement with any one claimant shall exceed £250 for personal injuries and £100 for property damage in respect of any one accident or incident.
- (d) To furnish at the expense of the Crown or otherwise legal aid for Military and Air Force personnel or civilian employees aforementioned at civil or criminal proceedings and inquests, when in the opinion of the Commission it may be of advantage in the settlement of a potential claim against the Crown.
- (e) In respect of claims mentioned in Section 2, subsection (c) to negotiate what in its opinion is a fair and reasonable settlement or, if considered by the Commission proper and advisable, to employ Counsel at the expense of the Crown to effect recovery by legal proceedings or otherwise.
- (f) To negotiate and effect on behalf of the Crown any agreement with insurers or other parties which will provide for mutual forbearance with regard to the whole or part of any claim, which is within the jurisdiction of the Commission, in respect of any death, injury, loss or damage.

- (g) To delegate to Military and Air Force Commanders the power to investigate and authorize the payment of any claim for loss or damage arising out of or incidental to billeting or quartering, provided that such payment by Commanders of Units or Detachments shall not exceed £5, and by other Commanders not below the rank of Brigadier or Air Commodore, or when any particular one is not available such officer of other rank as is acting for him in his command, shall not exceed £50 in any one case and shall not be made in respect of wilful damage, and that in respect of structural damage any such payment in excess of £5 must be settled in consultation with such Engineer Officers as the Commission may direct.
- (h) To perform any other duty or function which may be assigned to it by the Minister of National Defence.
- (i) To authorize payment by the Chief Treasury Officer (Overseas) of expenses incidental to the carrying out of the foregoing duties and powers, and of payments for emergency treatment as stipulated by Section 16 of 24 and 25 Geo. 5, c. 50, The Road Traffic Act, 1934, (United Kingdom).

Provided, that nothing in these Regulations contained shall be construed as depriving the Minister of National Defence and Military or Air Force Commanders of their powers in respect of disciplinary action.

- 4. (a) In respect of any claim or expense paid upon the authorization of the Commission, any individual serving the Crown in consequence of whose act, conduct or neglect such claim or expense arose directly or indirectly, shall be liable, if no explanation satisfactory to the Commission is given by such individual, to reimburse the Crown to the extent decided by the Commission.
- (b) The Commission in deciding the extent to which such individual shall reimburse the Crown may take into consideration such disciplinary action as may have already been taken against him, and such deductions as may have already been made from his pay and allowances in respect of the said conduct or his share therein, and shall in so deciding, subject to the said considerations, conform as near as may be to the following scale of reimbursement:—
 - (i) Where the amount paid by the Crown in respect of such claim is £5.0.0 or less, the full amount paid by the Crown;
 - (ii) Where the amount paid by the Crown in respect of such claim is more than £5.0.0 and does not exceed £20.0.0., one half of the amount paid by the Crown, or £5.0.0., whichever is the greater;
 - (iii) Where the amount paid by the Crown in respect of such claim is more than £20.0.0., and does not exceed £60.0.0., one-third, of the amount paid by the Crown, or £10.0.0., whichever is the greater;
 - (iv) Where the amount paid by the Crown in respect of such claim is more than £60.0.0., and does not exceed £100.0.0., one-quarter of the amount paid by the Crown or £20.0.0., whichever is the greater;
 - (v) Where the amount paid by the Crown in respect of such claim is more than £100.0.0., one-fifth of the amount paid by the Crown or £25.0.0., whichever is the greater;

Provided always that the liability of such individual is not to exceed the sum of £100.0.0.

(c) If after notification such individual does not make a settlement of such liability satisfactory to the Commission, his pay and allowances and all other emoluments granted to him by the Crown shall be liable to be stopped as directed by the Commission to meet the amount of such reimbursement.

5. These Regulations shall supersede in respect of the Canadian Forces to which they are applicable such other provisions and Regulations as are inconsistent herewith, and a Court of Inquiry in respect of the matters in these Regulations dealt with need not be held unless directed by the Commission or any Military or Air Force Commander.

6. The Minister of National Defence may, from time to time, make such orders and issue such instructions as are necessary for the purpose of carrying out these Regulations and giving effect to the intention thereof.

7. These Regulations, (except Section 4 thereof, which shall have force and effect only as of and from the date of this Order), shall have force and effect as of and from the 29th day of September, 1940.

8. The Regulations made by Order in Council dated 2nd October, 1940, P.C. 5299, are hereby repealed, and the Regulations made by Order in Council dated 19th March, 1940, P.C. 80/1045, shall not apply to claims against the Crown arising in the United Kingdom and on the Continent of Europe out of any death or injury to persons or to property resulting from the alleged negligence of any Canadian Military or Air Force personnel, or civilian personnel employed by the Department of National Defence, while acting within the scope of their duties or employment, save and except when the amount involved in respect of any one claimant arising out of any one accident or incident exceeds £1,000."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

**Order in Council amending the War Exchange Conservation Act—
Certain countries designated as "sterling areas"**

P.C. 2717

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 22nd day of April, 1941.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the War Exchange Conservation Act, 1940, provides that the importation into Canada of the goods enumerated and described in Schedule One to the said Act is prohibited except in such cases as the Minister of National Revenue in his discretion deems desirable and under and in accordance with the terms of a permit granted by him;

And whereas the said Act further provides that the prohibition of importations shall not apply to any goods imported from, and being of the growth, produce or manufacture of, any country within the sterling area or Newfoundland, except, at the discretion of the Minister, goods composed wholly or in part of silk;

And Whereas Section 2 of the said Act provides that "sterling area" means the territories under the sovereignty, protection, suzerainty or mandate of His Majesty (except Canada, Newfoundland and Hong Kong) and such other territories whether or not under the sovereignty, protection, suzerainty or mandate of His Majesty as may be designated by the Governor in Council;

And whereas under arrangements of the Foreign Exchange Control Board with other Empire Exchange Controls, and under the provisions of the Foreign Exchange Control Order and the Regulations and instructions of the said Board, payment may be made for imports into Canada from or originating in the sterling area only in sterling or in the local currency of a country in the sterling area or in Canadian dollars and the sterling area for the purposes of such Order, Regulations and instructions means and includes any territories under the sovereignty, protection, suzerainty or mandate of His Majesty (except Canada, Newfoundland and Hong Kong) and also includes Egypt, the Anglo-Egyptian Sudan, Iraq, Belgian Congo, Ruanda-Urundi, Iceland, Faroe Islands, French Cameroons, French Equatorial Africa (composed of Chad, Ubanghi-Chari, Middle Congo and Gaboon), French Settlements in India and French Oceania;

And whereas the Minister of Finance reports that it is expedient and in conformity with the intent of the War Exchange Conservation Act that the aforesaid territories be designated as being within the sterling area for the purposes of the said Act.

Now therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, concurred in by the Minister of National Revenue, and under authority of Section 2 of the War Exchange Conservation Act, is pleased to designate and doth hereby designate the following territories as comprising the sterling area for the purposes of the said Act:

Territories under the sovereignty, protection, suzerainty or mandate of
His Majesty (except Canada, Newfoundland and Hong Kong)

Egypt

Anglo-Egyptian Sudan

Iraq

Belgian Congo

Ruanda-Urundi

Iceland

Faroe Islands

French Cameroons

French Equatorial Africa (composed of Chad, Ubanghi-Chari, Middle
Congo and Gaboon)

French Settlements in India

French Oceania.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing regulations with respect to Borated Bacon

P.C. 2762

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 22nd day of April, 1941.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under the provisions of the Food and Drugs Act and the Meat and Canned Foods Act, borax is not an approved preservative for use on foods for domestic consumption;

And whereas under the agreement between the United Kingdom Ministry of Food and Canada, all sides of Wiltshire bacon are required to be treated with borax because of the necessities of wartime conditions;

And whereas for several reasons bacon prepared and intended for export to the United Kingdom may not be exported or may be returned after an uncompleted voyage;

And whereas it is desirable as a food conservation measure to deal promptly with any such bacon by the distribution of it for consumption in Canada;

Therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health and under the authority of the War Measures Act, is pleased to make the following regulations with respect to bacon which has been prepared and intended for export to the United Kingdom and which may become available for distribution for food in Canada and they are hereby made and established, accordingly:—

Regulations with Respect to Borated Bacon

1. All bacon which has been treated with borax as required by the United Kingdom Ministry of Food and prepared for export at the direction of the Bacon Board may be released by the Bacon Board for distribution as food.
2. All such bacon so released by the Bacon Board shall remain under the control of the Veterinary Director General until such examination and treatment as may be deemed necessary by him is completed.
3. All such bacon offered for sale in Canada shall bear on the shoulder, back and ham of each side the word "Borated", legibly and indelibly printed

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending regulations P.C. 91, 16th January, 1936—
treatment members Canadian Forces

P.C. 2763

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 10th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by virtue of the Regulations established by Order in Council P.C. 3005, dated the 5th October, 1939, former members of the Naval, Military and Air Forces who have served on active service during the war with the German Reich are placed on a parity in all respects, in so far as the matter of treatment and other benefits associated therewith are concerned, with former members of the Naval, Military and Air Forces who served during the Great War;

And whereas by virtue of such Regulations the Department of Pensions and National Health may, in addition to any hospital treatment required for a service related disability, furnish active remedial treatment for non-service related disabilities, not otherwise obtainable, when required by pensioners and non-pensioners where, in the case of non-pensioners, they saw meritorious service in a theatre of actual war, the purpose of the provision of such treatment being to remove or alleviate conditions which prevent such persons from obtaining or continuing in employment;

And whereas the Department of Pensions and National Health has been charged, since the above Regulations were established, with the implementation of further schemes leading to the re-establishment in civil life of all former members of the forces, and it is considered that, as a means to that end, the Department should also be empowered to provide such active remedial treatment, not otherwise obtainable as may be required within a reasonable period subsequent to discharge by all former members of the forces who served on active service during the war with the German Reich, irrespective of the place of service;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Pensions and National Health, is pleased to amend the Regulations established by Order in Council P.C. 91, dated the 16th January, 1936, passed under and by virtue of the Department of Pensions and National Health Act, Chapter 39 of the Statutes of 1928, and they are hereby further amended as follows:

1. The following class is added to Clause 2 immediately after Class 19:

"Class 20.—A former member of the forces who served on active service during the war with the German Reich and who is not otherwise qualified for treatment under this Order in Council, but who in the opinion of departmental medical authority requires active remedial treatment for an acute disease or disabling condition not attributable to service, subject to the same terms and conditions as to admission and treatment as apply in the case of former members of the forces admitted to treatment under Class 2 of this clause; provided, however, that admission under this class shall not be authorized upon a date more than one year subsequent to the date of discharge from the forces."

2. The following class is added to Clause 19 immediately after Class 19 thereof:

"Class 20.—Comforts and clothing (Clause 16)."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending P.C. 2448, 8th April, 1941—fee for export
permit authorized

Canada Gazette (Extra), 10th May, 1941

P.C. 2837

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 24th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Trade and Commerce, is pleased to amend Order in Council P.C. 2448 of April 8, 1941, establishing a centralized control for the issuance of export permits, and it is hereby amended by the addition of the following clause:—

16. In accordance with the provisions of section 290 (a) of the Customs Act the fee to be charged for the issuance of each export permit shall be \$2.00, subject to such exemptions as may be prescribed by the Minister of Trade and Commerce.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing regulations for storage of eggs

P.C. 2876

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 24th day of April, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, by Order in Council dated the 15th day of April, 1941, P.C. 2520, the Special Products Board was established to export certain products to the United Kingdom Ministry of Food;

And whereas the Acting Minister of Agriculture reports that the United Kingdom Ministry of Food has placed an order with the Board for 180,000 cases of eggs for delivery at seaboard before the 31st day of May, 1941;

That the procurement of this quantity of eggs will tax the production capacity of Canada;

That speculative buying for cold storage may reduce the quantity available for export;

That in order to obtain this quantity of eggs for immediate shipment, it is desirable to prohibit until the 10th day of June, 1941, eggs being placed in cold storage in Canada except with the permission of the Special Products Board; and

That the Special Products Board has no authority at present to prohibit eggs being placed in cold storage.

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Agriculture and under the authority of the War Measures Act is pleased to make the following regulations and they are hereby made and established accordingly:—

STORAGE OF EGGS

1. Until the 10th day of June, 1941, no eggs shall be placed in cold storage in Canada except with the permission of the Special Products Board.
2. Any person who without such permission places eggs in cold storage or accepts eggs for cold storage shall be guilty of an offence under these regulations and liable on summary conviction to a fine of not less than \$500.00.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations respecting bacon

P.C. 2978

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 5th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 13th day of December, 1939, P.C. 4076, as amended by Orders in Council dated the 20th day of December, 1939, P.C. 4248, and the 27th day of December, 1939, P.C. 4353, regulations were established setting up the Bacon Board with authority, inter alia, to control the marketing of bacon and other pork products exported to the United Kingdom Ministry of Food;

And whereas the Minister of Agriculture reports that since March 27th, 1941, the United Kingdom Ministry of Food has forwarded two separate requests for additional quantities of bacon, totalling 55,000,000 pounds for delivery during the next five months;

That there has been a marked increase in domestic consumption of bacon and other pork products because domestic prices based upon the export bacon prices are low in comparison with the prices of other meats; and

That it now being evident that the bacon requirements of the United Kingdom for the immediate future and during the third year of the war, will be substantially greater than previously anticipated, it may be necessary to regulate the quantity of pork that may be distributed in the domestic market;

Therefore, His Excellency, the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to amend the regulations established by Order in Council dated the 13th day of December, 1939, P.C. 4076 and they are hereby further amended as follows:

1. Paragraphs (a) (c) (d) (e) (g) (h) and (l) of Clause 4 (1) are repealed and the following substituted therefor (amendments underlined)

- (a) to regulate the export of bacon and other pork products to Great Britain pursuant to the agreement made between the Governments of Canada and the United Kingdom and to that end to arrange with or require any packer *or other person* to ship and deliver bacon or other pork products of the quantity and quality specified in such arrangement or requirement to the United Kingdom Ministry of Food at seaboard ports in Canada,
 - (c) to determine the prices which shall be paid to packers *or other persons* for bacon and other pork products delivered in accordance with requirements of the Board: Provided that in the case of pork stored in accordance with the requirements of the Board the price to be paid for bacon made from such pork shall not exceed the price of bacon at the time the pork was taken into store plus carrying and storage charges approved by the Board: and provided further that in determining the prices which shall be paid for bacon and other pork products delivered as required by the Board and in requiring packers to store pork and in exercising all or any of its other powers it shall be the duty and responsibility of the Board to have regard to the present and future conditions of the bacon market and the undertakings and needs of the Government of the United Kingdom under its agreement with the Government of Canada,
 - (d) in determining the prices to be paid packers *or other persons* as hereinbefore provided to establish differentials in prices that will be paid for official grades, selections and weights of bacon and other pork products.
 - (e) to requisition cheques to be drawn against the Fund, hereinafter referred to, for the payment of bacon and other pork products and *all other charges and liabilities in respect of such bacon or other pork products* delivered pursuant to the requirements of the Board.
 - (g) to require any packer *or other person* to give priority to the processing and delivery of bacon or other pork products to be delivered pursuant to a requirement of the Board.
 - (h) to fix the minimum price to be paid by packers *or other persons* for hogs.
 - (l) to order that packers *or any other persons who slaughter hogs or process bacon* shall obtain licences from the Board and to issue licences to such persons upon such terms and conditions to be fixed by the Board and to fix the fees payable on account of such licences; provided, however, that the issue to any person of a licence shall not be deemed to affect the liability of such person to obtain a licence as required by any other statute or law of Canada or any province thereof.
2. The following is added to Clause 4 (1) as paragraph (o)

"(o) to regulate the quantity of pork that may be distributed in the domestic market or the number of hogs that may be slaughtered for distribution in the domestic market by any packer or any other person when such action is required to secure the necessary quantities of bacon and other pork products for export to the United Kingdom and, to that end, to limit the number of hogs that may be slaughtered for distribution in the domestic market or the quantity of pork that may be distributed in the domestic market."

3. Sub-clause (3) of Clause 4 is repealed and the following substituted therefor.

- (3) Upon receipt of a requirement of the Board to deliver bacon as hereinbefore provided, a packer *or other person* shall comply with such requirement according to the terms thereof, and *upon delivery of such bacon properly processed in accordance with the standards of workman-*

ship and condition as prescribed by the Board, shall be paid therefore at the price or prices determined by the Board in accordance with these regulations.

4. Sub-clause (2) of Clause 5 is repealed and the following substituted therefor:

“(2) The Minister of Finance may, subject to the provisions of these regulations, on the requisition of the Board, pay out of the Fund to the extent only of the Fund sums necessary to compensate packers *and other persons* for bacon and other pork products *and all other charges and liabilities in respect of such bacon and other pork products* delivered by them pursuant to the requirements of the Board, but no other payment shall be made a charge on the Fund.”

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending regulations with respect to claims against the Crown *re* the R.C.A.F.

P.C. 67/2980

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 30th April, 1941.

The Board had under consideration a memorandum from the Honourable the Minister of National Defence for Air reporting:—

“That by an Order in Council dated 19th March, 1940, P.C. 80/1045, Your Excellency was pleased to make regulations to provide for the settlement of claims against the Crown arising out of death or injury to persons or damage to property resulting from the alleged negligence of any officer or servant of the Crown while acting within the scope of his duties or employment.

That claims have been made and may be made in the future against the Crown in respect of pecuniary loss arising out of death or injury to persons and damage to property caused by forced landings or crashes of Royal Canadian Air Force Aircraft, or by an article or person falling from such aircraft, and that, in the majority of such cases, it has been and will be impossible to determine whether the claim results from negligence on the part of an officer or servant of the Crown while acting within the scope of his duties or employment.

That it is deemed expedient and in the public interest that provision should be made for the payment of such claims by the Crown without regard to the question of whether the Crown is legally liable, unless there is evidence that the loss, injury or death, in respect of which compensation is claimed, was caused by or resulted from the negligence of the claimant or of any servant of the claimant while acting within the scope of his duties or employment.

That the Estimates for the fiscal year 1941-42 provide for an amount from which payment may be made in respect of such claims, said payment to be effected in accordance with Regulations to be made by Your Excellency in Council. In consequence, it is desirable that Regulations be made governing the payment of such claims for the present fiscal year, the same to be applicable to succeeding fiscal years provided the requisite monies are appropriated by Parliament.

To that end, the undersigned, with the concurrence of the Minister of Justice, has the honour to recommend that Your Excellency in Council, under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other act, law, statute or regulation, be pleased to make the following Regulations:—

REGULATIONS

1. When any claim is made against the Crown in respect of pecuniary loss caused by a forced landing of any Royal Canadian Air Force aircraft subsequent to September 1, 1939, or by any article or person falling from any such aircraft subsequent to September 1, 1939, the Department of National Defence (Air Services) shall, without prejudice and without admitting liability, request the claimant to furnish a detailed statement of the facts upon which he bases his claim and a detailed statement showing how he computes his claim, together with copies of vouchers verifying all disbursements.

2. An Officer of the Department of National Defence (Air Services) shall investigate the claim and report what would be reasonable compensation for the loss complained of.

3. The material submitted by the claimant and the report made by such Officer shall be submitted to the Deputy Minister of Justice together with the following:—

- (a) A statement showing whether the Officers or airmen involved were on duty at the time of the alleged occurrence;
- (b) A statement from each such officer or airman, if possible, setting forth the circumstances surrounding the claim as he knows them and whether or not he was on duty at the time;
- (c) Statements from all other persons having any knowledge of such circumstances;
- (d) Copies of all reports made to any local authorities in connection with the circumstances giving rise to the claim;
- (e) Such plans or sketches as may be necessary to understand the exact nature of the occurrence;

and the Deputy Minister of Justice shall be asked for his opinion with regard to the following points:—

- (a) As to whether the pecuniary loss complained of, or any part thereof, was caused by a forced landing of any Royal Canadian Air Force aircraft, or by any article or person falling from any such aircraft, and
- (b) Whether such pecuniary loss was contributed to by the negligence of the claimant, or of any servant of the claimant acting within the scope of his duties or employment.

4. If the Deputy Minister of Justice gives an opinion to the effect that any part or all of the pecuniary loss complained of was caused by the forced landing of a Royal Canadian Air Force aircraft, or by an article or person falling from such aircraft, and that such loss was not contributed to by the negligence of the claimant, or of a servant of the claimant acting within the scope of his duties or employment, the Minister of National Defence (Air Services) may make application to the Treasury Board for authority to make such payment to the claimant as to him seems reasonable in respect of such part of the pecuniary loss complained of as in the opinion of the Deputy Minister of Justice was caused by such forced landing of a Royal Canadian Air Force aircraft, or by such article or person falling from such aircraft.

5. Any payment made pursuant to any authority so obtained shall be made in full settlement of all legal claims which the claimant may have in respect of the loss complained of."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing acceptance of export selling prices as basis of valuation for duty purposes

P.C. 75/2980

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 30th April, 1941.

The Board had under consideration a memorandum from the Honourable the Minister of National Revenue reporting that:—

"Whereas, it has been represented by His Majesty's Senior Trade Commissioner, on behalf of His Majesty's Government in the United Kingdom, that on account of greatly increased home market selling prices resulting from higher manufacturing costs due to the war, United Kingdom exporters have found it increasingly difficult to market their products in Canada in competition with those of other countries; and that His Majesty's Government in the United Kingdom, with the view to restoring industry of that country to the same competitive position in the Canadian market as existed prior to the outbreak of war, and thereby providing a means of establishing the necessary credits to pay for the enormous increase in imports from Canada required for war purposes, has requested some modification of the provisions of the Customs Act in respect of valuation for duty purposes; and

Whereas, it is desirable to facilitate trade between the two countries to their mutual benefit in the common war effort; and

Whereas, it would seem that this objective could be attained in large measure by the acceptance of export prices as the basis of valuation for duty purposes; now

Therefore, the undersigned Minister of National Revenue, with the concurrence of the Minister of Finance and the Minister of Trade and Commerce, has the honour to recommend that under and by virtue of Section three of the War Measures Act he be authorized to accept export selling prices as the basis of valuation for duty purposes of goods the produce or manufacture of the United Kingdom in cases where he is satisfied that the acceptance of such prices will not prejudicially affect Canadian trade and industry."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing remission or refund of taxes, etc., on materials and equipment for the production of aircraft

P.C. 79/2980

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 30th April, 1941.

The Board recommend that Orders in Council (P.C. 32/2387) dated August 24, 1939, (P.C. 47/537) dated February 8, 1940, and (P.C. 61/2832) dated June 27, 1940, be rescinded and that authority be granted under Section 3 of the War Measures Act to deal with goods used in filling contracts entered into direct with the Government of the United Kingdom for the production of aircraft or parts thereof in the following manner:—

A. Materials and equipment for the production of aircraft and parts thereof.

1. Remission or refund of Customs duty, war exchange tax and excise taxes on imported materials and parts to be incorporated into and form a constituent or component part of aircraft or parts thereof under contracts entered into direct with the Government of the United Kingdom, and which materials and parts, and the aircraft or parts manufactured therefrom, shall become and remain the property of the said Government.

2. Remission or refund of Customs duty, war exchange tax, sales tax and excise taxes on imported permanent and non-permanent plant equipment, to be used in the production of aircraft or parts thereof under contracts entered into direct with the Government of the United Kingdom, and which equipment is to become and remain the property of the said Government.

3. Remission or refund of excise tax on materials and parts manufactured or produced in Canada, to be incorporated into and form a constituent or component part of aircraft or parts thereof under contracts entered into direct with the Government of the United Kingdom, and which materials and parts, and the aircraft or parts manufactured therefrom, shall become and remain the property of the said Government.

4. Remission or refund of sales tax and excise taxes on permanent and non-permanent plant equipment manufactured in Canada, to be used in the production of aircraft or parts thereof under contracts entered into direct with the Government of the United Kingdom, and which equipment is to become and remain the property of the said Government.

B. Materials and equipment diverted to other use.

1. Materials and parts and permanent and non-permanent plant equipment for use in the production of aircraft or parts thereof, in respect of which remission or refund was authorized under Orders in Council (P.C. 32/2387), dated August 24, 1939 (P.C. 47/537), dated February 8, 1940, and (P.C. 61/2832), dated June 27, 1940, or under the special arrangement made by the Minister of National Revenue for the production of Hampden bombers in bond for export, or in respect of which remission or refund is in this Order in Council provided, which remain on hand on completion of the contracts or at the close of the war, or which prior to that time are diverted for use other than in the production of aircraft or parts, shall become subject to any Customs duty, sales tax and excise taxes ordinarily applicable, unless they are exported or destroyed, and the scrap and salvage resulting from any such destruction shall also become subject thereto, and the person who acquires the goods, whether by purchase or otherwise, shall pay, when he obtains possession thereof, the said Customs duties, sales tax and excise taxes levied at the rates then in effect, computed on the following bases of valuation:—

- (a) In the case of materials and parts, and plant equipment other than machinery, new or unused, on the values thereof on the dates when the relevant Customs entries were passed, or on the dates when the goods were delivered to the manufacturer by the Canadian vendor, as the case may be;
- (b) in the case of new or unused materials and parts which after importation, or delivery by the Canadian vendor, have been processed, on the values thereof as then appraised by a Dominion Customs Appraiser or as determined by an Excise Tax Auditor, as the case may be;
- (c) in the case of new or unused machinery, and used material, machinery and other plant equipment, on the values as then appraised by a Dominion Customs Appraiser or as determined by an Excise Tax Auditor, as the case may be.

* * *

The Minister of National Revenue may prescribe such regulations as he deems necessary for carrying out the provisions of this Order in Council.

This Order in Council shall be effective on and after November 16, 1938, provided, however, that departmental rulings on importations or purchases in Canada, made under the Orders in Council hereby rescinded, shall not be affected by this Order.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council consolidating regulations *re* payments in respect of wheat acreage reduction

P.C. 3047

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 30th day of April, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2456 dated April 8, 1941, certain regulations were established for the purpose of encouraging the reduction in the number of acres sown to wheat in 1941 in the Prairie Provinces;

And whereas the Minister of Agriculture reports that it is desirable that these regulations be amended to provide for certain matters not dealt with therein, and that these amendments should be consolidated with the regulations established as aforesaid;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under and by virtue of the powers conferred by the War Measures Act, is pleased to order as follows:

1. The regulations established by Order in Council P.C. 2456 dated April 8, 1941, are hereby rescinded.
2. The annexed regulations with respect to payments in the Provinces of Manitoba, Saskatchewan and Alberta and the Peace River District of British Columbia, of specified sums per acre on the number of acres which are taken out of wheat production and seeded to grass or coarse grains or summerfallowed in 1941, are hereby made and established.
3. All or any payments or expenditures hereunder shall be chargeable against money voted by Parliament.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

REGULATIONS

Re Payments in Respect of Wheat Acreage Reduction as Consolidated by Order in Council P.C. 3047, April 30, 1941.

1. In these regulations unless the context otherwise requires—

“Coarse grains” means barley, oats, rye, corn, peas, flax and millet.

“Farm” means the total land being operated as a unit.

“Farmer” means an owner operator, or tenant operator of a farm.

“Grass” means all grasses, clovers and alfalfa.

“Landlord” means an owner of a farm operated by another person and includes a mortgagee or unpaid vendor who by contract or by law has a right to or a lien on or ownership in a part of the crop grown on a farm.

“Minister” means the Minister of Agriculture.

“Summerfallow” means the cultivation of fallow land prior to and including July 31, 1941, in such a way as to conserve soil moisture or to prevent soil drifting, or both.

WHEAT ACREAGE REDUCTION

2. (1) For the purpose of these regulations the wheat acreage reduction on any farm shall be computed by deducting the number of acres sown to wheat on such farm in 1941 from the number of acres sown to wheat on such farm in 1940.

(2) For the purpose of computing the wheat acreage reduction

(a) In respect of any farm—

(i) On which no land was sown to wheat in 1940 the land sown to wheat in 1939 shall be computed as the land sown to wheat in 1940, unless it exceeds 60 per cent of the cultivated acreage on such farm in 1940 in which case the number of acres sown to wheat in 1940 shall be computed to be 60 per cent of the total cultivated acreage on such farm in 1940.

(ii) On which no land was sown to wheat in 1939 the land sown to wheat in 1940 shall be computed to be the land sown to wheat in 1940 unless it exceeds 60 per cent of the cultivated acreage on such farm in 1940, in which case the number of acres sown to wheat in 1940 shall be computed to be 60 per cent of the total cultivated acreage on such farm in 1940,

(iii) On which 80 per cent or more of the cultivated acreage in 1940 was sown to wheat in 1940 and on which 80 per cent or more of the cultivated acreage was sown to wheat in 1939, the number of acres sown to wheat in 1940 shall be computed to be 80 per cent of the total cultivated acreage on such farm in 1940.

(iv) Other than any farm covered by any of paragraphs (1), (ii) or (iii) of this sub-section on which there has been a variation of one-third or more between the number of acres sown to wheat in 1939 and the number of acres sown to wheat in 1940, the number of acres sown to wheat in 1940 shall be computed to be the average number of acres sown to wheat in 1939 and 1940, provided that the acreage added under sub-section (b) of this section shall not be computed as having increased the 1940 acres sown to wheat.

- (b) In respect of any farm on which the number of acres under cultivation was increased during 1940 by breaking any part or parts thereof not previously broken, 80 per cent of the number of acres by which the number of acres under cultivation on such farm was so increased shall be computed to be included in the number of acres sown to wheat on such farm in 1940, and the other 20 per cent be computed as coarse grains.
 - (c) In respect of any farm on which no land was broken prior to 1940, if any land was broken on such farm during 1940, 80 per cent of the number of acres so broken shall be computed to be the number of acres sown to wheat on such farm in 1940, and 20 per cent thereof shall be computed as sown to coarse grains on such farm in 1940.
- (3) For the purpose of computing the number of acres sown to coarse grains or grass or summerfallowed in 1940,
- (a) In respect of any farm on which the number of acres sown to wheat in 1940 is computed under section 2 of this regulation to be reduced below the number of acres actually sown to wheat on such farm in 1940, the number of acres sown to coarse grains, or grass or summerfallowed on such farm in 1940 shall be computed by adding the number of acres by which the wheat acreage is computed to be so reduced to the number of acres actually sown to coarse grains or grass or summerfallowed in 1940 proportionally to the number of acres actually so sown or summerfallowed.
 - (b) In respect of any farm on which the number of acres sown to wheat in 1940 is computed under sub-section (a) of section 2 of this regulation to be increased above the number of acres actually sown to wheat on such farm in 1940, the number of acres sown to coarse grains or grass or summerfallowed on such farm in 1940 shall be computed by deducting the number of acres by which the wheat acreage is computed to be so increased from the number of acres actually sown to coarse grains or grass, or summerfallowed in 1940, proportionally to the number of acres actually so sown or summerfallowed.
 - (c) In respect of any farm on which the number of acres computed to be sown to wheat in 1940 is the average of the number of acres sown to wheat in 1939 and 1940, the number of acres summerfallowed or sown to coarse grains and grass in 1940 shall be computed by averaging the number of acres so sown or summerfallowed during 1939 and 1940.
- (4) When computing any number of acres in respect of any farm for the purposes of these regulations, a fraction of less than half of one acre shall be dropped and a fraction of one-half or more of one acre shall be taken as one acre.

PAYMENTS

3. (1) The Minister may, on or after July 1st, 1941, in respect of any wheat acreage reduction on any farm, pay
- (a) The sum of \$4 in respect of each acre which is summerfallowed in 1941 in excess of the number of acres which are computed under regulation 2 hereof as summerfallowed in 1940.
 - (b) The sum of \$2 in respect of each acre which is sown to coarse grains or grass or both in 1941 before July 1st, in excess of the number of acres which are computed under regulation 2 hereof, as in coarse grains or grass or both before July 1st, 1940.

(c) The sum of \$2 in respect of each acre which is sown to rye or grass or both after July 31st, 1941, in excess of the number of acres of cultivated land which are computed under regulation 2 hereof to be sown in rye or grass before July 1st, 1940.

(2) The Minister may pay an additional sum of \$2 in respect of each acre in respect of which any payment may be made under section (1) of this regulation, which was sown to grass or rye in 1941 and is in grass or rye on July 1st, 1942, provided that such acreage in grass in 1942 is additional to the acreage computed to be in grass at July 1st, 1940.

APPLICATIONS

4. A farmer to be eligible for any payment with respect to wheat acreage reduction shall make application not later than May 31st, 1941, to the Secretary of the Municipality in which he resides or, in the case of unorganized areas, to the Provincial Government on a form to be distributed by the Municipal Secretary or the Provincial Government as the case may be, and on fulfilment of one or more of the provisions of Regulation 3, shall submit a sworn statement or statements of claim for payment.

5. A landlord to be eligible for any payment with respect to wheat acreage reduction shall make application not later than May 31st, 1941, to the Secretary of the Municipality in which the land in which he has an interest is located, or, in the case of unorganized areas, to the Provincial Government and on or before June 30th, 1941, shall submit a sworn statement or statements of claim for payment on a form provided for this purpose.

CROP SHARE LEASES AND AGREEMENTS, ETC.

6. If by the terms of any contract, agreement or lease, any farmer is bound to sow to wheat any part or proportion of his farm, and if such farmer desires to become eligible for any payment under these regulations, such farmer shall be entitled to reduce the number of acres sown to wheat on his farm to such extent as he sees fit and to sow to coarse grains or grass or to summerfallow such wheat acreage reduction, notwithstanding the terms of such contract, agreement or lease, but the provisions of this regulation shall not be deemed to relieve him of the performance of any other of the terms or provisions of the said contract, agreement or lease.

7. Notwithstanding the provisions of any Dominion or Provincial statute or any regulations or orders made thereunder or anything done pursuant thereto, a landlord shall be entitled to a proportion of any monies paid under these regulations in respect of his farm as hereinafter set out, that is to say,

- (a) in the case of a farm in respect of which the landlord is entitled to a share of one-third or more of the crop returns on the whole of the farm, a proportion of not more than one-third of the amount so paid,
- (b) in the case of a farm in respect of which the landlord is entitled to a share of one-third or more of the crop returns of a part only of such farm, a proportion of not more than one-third of such part of the amount so paid as is in the same proportion to the whole amount so paid as the number of acres under cultivation on the part of such farm which is owned by such landlord is in proportion to the number of acres under cultivation on the whole of such farm,
- (c) in the case of a farm in respect of which the landlord is entitled to a share of less than one-third of the crop returns on the whole or any part or parts of the farm, a like lesser proportion of the amount so paid, calculated in a manner similar to that set out in the next preceding subsections (a) and (b), in the cases therein specified.

8. (1) In any case where two or more persons make application to the Minister for, and are eligible or are entitled to share in any monies payable under these regulations in respect of the same farm, payment of two-thirds of such monies or such greater proportion thereof as may be payable to the farmer in any case falling within the terms of regulation 7 (c) hereof, may be made to the farmer.

(2) In any such case payment of one-third of such monies or such lesser proportion thereof as may be payable to the landlord or landlords under the terms of regulation 7 hereof, may be made to the landlord or landlords in accordance with his claim or their claims.

(3) In any such case, in the event of a dispute as to the proportion of any such monies to which the landlord or landlords are entitled under these regulations, payment may be made to such person or persons as the Minister may deem to be so entitled or in accordance with the terms of any agreement which may be entered into between the claimants thereto for the purpose of settling such dispute.

9. Payment may be withheld under these regulations with respect to any farm which was operated by a tenant in 1940 and is operated by hired labour in 1941 unless the lease was cancelled by written notice served prior to March 12, 1941, or by written agreement between the landlord and the tenant after March 12, 1941.

10. No payment shall be made with respect to reduction in wheat acreage on the following lands:

(a) Farm lands operated as Experimental Farms.

(b) Farm lands declared sub-marginal under the provisions of a provincial statute and not occupied in 1940.

(c) Farm lands operated by Provincial Governments, government institutions, or universities.

11. Every person shall be guilty of an offence under these regulations and liable on summary conviction to a fine not exceeding one hundred dollars, who

(a) in respect of any information or return required by these regulations, submits false information or makes a false return thereto,

(b) falsely claims to be entitled to any payment under these regulations.

12. The Minister may require the operator of any country elevator to make available to him or his authorized representative all or any information which such operator has with respect to the farming operations of any person or persons in any year.

13. The Minister may, with the approval of the Governor in Council appoint such administrative and technical officers and employees as he may deem necessary for the purposes of these regulations and at such rates of pay as may be likewise approved.

14. The Minister may appoint such temporary, field, clerical or other assistance as may be required, the rates of pay to be approved by the Governor in Council.

15. The Minister may pay, out of monies appropriated by Parliament all administrative including travelling and other expenses incurred under these regulations.

30th April, 1941

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To all to whom these Presents shall come or whom the same may in anywise concern, GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order.

And whereas the undersigned is satisfied that the publication of the review entitled *La Droite*, published in the French language by J. Ernest Drolet, Director-Proprietor, 71 St. Pierre Street, Quebec, is prejudicial to the safety of the State and the efficient prosecution of the war.

Now know Ye that the undersigned, the Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada Regulations, doth hereby order that the publication of the French language review entitled *La Droite* be prohibited.

Dated at the Department of the Secretary of State, at the City of Ottawa, this thirtieth day of April, in the year of Our Lord, one thousand nine hundred and forty-one.

PIERRE F. CASGRAIN,
Secretary of State.

Order in Council amending the agreement between the United Kingdom
Ministry of Food and Canada *re* hog prices

P.C. 3175

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th May, 1941

The Committee of the Privy Council have had before them a report dated 2nd May, 1941, from the Minister of Agriculture, stating:—

That the price of hogs in the United States has now risen to a level that has induced the export of considerable numbers of live hogs and quantities of pork products thereby making it impossible to secure the additional quantities of bacon required under the agreement with the United Kingdom Ministry of Food at the price provided therein;

That the United Kingdom Ministry of Food further desires that weekly shipments of bacon should be accelerated so that the contract quantity of 190,000 long tons be delivered by about September 15, 1941, instead of October 31, 1941, as provided in the said agreement;

That in accordance with the understanding between Lord Woolton of the United Kingdom Ministry of Food and the Minister of Agriculture that, in the event of exceptional circumstances outside the control of either government, making it impossible for the terms of the agreement to be fulfilled, it will be open to either government to approach the other with a view to agreeing upon the steps to be taken, certain revision of the present contract is now submitted for approval; and

That the United Kingdom Ministry of Food have agreed to pay 85/ per long cwt F.O.B. for 50 per cent of the present contract quantity, namely 95,000 long tons with the proviso that if prices of United States' hogs move further above parity, the difference above 85/ is to be borne by Canada while if prices of United States' hogs decline so that 85/ is above parity, then the 85/ will be reduced accordingly with a low limit of 81/.

The Committee, therefore, on the recommendation of the Minister of Agriculture, submit for Your Excellency's approval the amendments to the agreement between the United Kingdom Ministry of Food and Canada, as above recited.

Sgd. A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council amending regulations, compensation to seamen, 1939—
(P.C. 3358, 10th November, 1939)**

Canada Gazette May, 24, 1941

P.C. 91/3191

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 6th May, 1941.

The Board recommend that Order in Council of November 10, 1939, P.C. 3358 be amended, effective from that date, to provide for revision of the Compensation to Seamen (War Damage to Effects) Regulations, 1939, by the substitution for the Schedule of Compensation for Loss of Personal Effects through War Perils at Sea, included therein, of the revised Schedule of Compensation set out herein.

(1) Ships of Canadian Registry or Licence

Rank or rating	Maximum amount of compensation payable for loss of personal effect		
	Foreign trade	Home trade passenger	All other trades
(i) Master	\$500	\$350	\$200
(ii) Certificated Officers, Surgeons, Pursers.....	300	210	125
(iii) Uncertificated Officers, Chief Stewards in charge of Departments, Wireless Operators and Apprentices	250	175	100
(iv) Ratings in Victualling Department above rank of Waiter or Bedroom Steward.....	150	105	75
(v) Victualling Department Waiter or Bedroom Steward and similar pay ratings.....	70	70	70

Rank or rating	Maximum amount of compensation payable for loss of personal effect		
	Foreign trade	Home trade passenger	All other trades
(vi) Ratings in Victualling Department of lower pay than Bedroom Steward.....	70	70	70
(vii) Carpenters and Joiners (Effects \$70, Tools \$100 maximum)	170	170	170
(viii) Boatswain, Donkeyman, Quartermaster and other similar ratings.....	70	70	70
(ix) Seamen, Greasers, Firemen, Trimmers and other similar ratings excluding Class (x)....	70	70	70
(x) Oriental ratings not domiciled in Canada within meaning of the Immigration Act.....	25	25	25
(xi) Licensed Pilots and Licensed Apprentice Pilots	70	70	70

(2) *Fishing Boats and Sailing Vessels*

(a) Fishing Boats and Vessels of 60 registered tons and over and Foreign-going Sailing Vessels:—

(i) Master	\$200
(ii) Mate or Engineer.....	100
(iii) All other members of Crew.....	70

(b) All other Fishing Boats and Home Trade, Inland and Minor Waters Sailing Vessels:—

(i) Master	\$125
(ii) All other members of Crew.....	70

(3) *Pilot Boats and Lightships*

(i) Masters	\$125
(ii) All other members of Crew.....	70

The provisions of the Canada Shipping Act, 1934, and Regulations made thereunder will determine the class of vessel, the nature of the trade in which the vessel is engaged and the status of the members of the crew. Masters, officers and ratings of Canadian Government Steamships, other than pilot boats and lightships, will come under "All other Trades".

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations respecting Dairy Products

Canada Gazette (Extra), 17th May, 1941

P.C. 3197

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 7th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 23rd day of May, 1940, P.C. 2138, regulations were established setting up the Dairy Products Board to regulate the export of dairy products to the United Kingdom;

And whereas the Minister of Agriculture reports that it is desirable and expedient to vest the Board with authority to regulate the export of dairy products to other countries and to enable the Board to require that a dairy product be delivered for manufacture into a particular product and not otherwise, and to this end to limit or restrict the quantity of any dairy product that may be accepted, purchased, manufactured or processed by a person;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to amend the regulations established by Order in Council dated the 23rd day of May, 1940, P.C. 2138, and they are hereby further amended by adding to Clause 4(1) thereof the following paragraphs:

"(w) to regulate the export of dairy products to any country.

(x) to require any dairy product to be delivered or diverted for manufacture as the Board may deem necessary and to limit or restrict the quantity of any dairy product that may be accepted, purchased, manufactured or processed by any person."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing minima prices for butter

Canada Gazette (Extra), 13th May, 1941

P.C. 3230

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 10th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 10th day of January, 1941, P.C. 143, the Dairy Products Board was given authority, "upon the recommendation of the Minister and with the approval of the Governor in Council, to establish minima prices at which butter may be sold";

And whereas the Minister of Agriculture reports that it is desirable and expedient to establish minima prices at which butter may be sold;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to approve and doth hereby approve the minima prices for First Grade Creamery Butter sold in Canada, in accordance with Schedule No. 1, hereto.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

SCHEDULE No. 1

MINIMA PRICES OF CREAMERY BUTTER

First Grade Creamery Solids Delivered to Purchaser

<i>In Province of</i>	MAY c. per lb.	JUNE c. per lb.	JULY c. per lb.	AUG. c. per lb.	SEPT. c. per lb.	OCT. c. per lb.
British Columbia	29½	30	30½	31	31½	32
Ontario						
Quebec						
New Brunswick						
Nova Scotia						
Prince Edward Island						
Alberta	27½	28	28½	29	29½	30
Manitoba						
Saskatchewan	26½	27	27½	28	28½	29

First Grade Creamery Prints or Rolls Delivered to Purchaser

<i>In Province of</i>						
British Columbia	30½	31	31½	32	32½	33
Ontario						
Quebec						
New Brunswick						
Nova Scotia						
Prince Edward Island						
Alberta	28½	29	29½	30	30½	31
Manitoba						
Saskatchewan	27½	28	28½	29	29½	30

Order in Council amending wheat acreage reduction regulations (P.C. 3047 of April 30, 1941)

P.C. 3231

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 10th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3047, dated April 30, 1941, certain regulations were established for the purpose of encouraging the reduction of the number of acres sown to wheat in 1941 in the Prairie Provinces;

And Whereas the Minister of Agriculture reports that it is desirable to amend said regulations in order that the awards may be paid more equitably on farms with respect to which there was a variation in wheat acreage as between 1939 and 1940;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, and under and by virtue of the powers conferred by the War Measures Act, is pleased to amend the said regulations and they are hereby amended by the rescission of paragraph 2 (2) (a) (iv) and the substitution therefor of the following:

2. (2) (a) (iv) Other than any farm covered by any of paragraphs (i), (ii) or (iii) of this subsection, the number of acres sown to wheat in 1940 shall be computed to be the average of the number of acres sown to wheat in 1939 and the number of acres sown to wheat in 1940 unless such average is below 60 per cent of the cultivated acreage on such farm, in which case the number of acres sown to wheat in 1939 or the number of acres sown to wheat in 1940, whichever is the greater, but not exceeding 60 per cent of the cultivated acreage on such farm, shall be computed to be the acreage sown to wheat in 1940; provided that the acreage added under subsection (b) of this section shall not be computed as having increased the 1940 acres sown to wheat.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing licensing of Norwegian fishing vessels
“Polaris” and “Polarbjorn”**

P.C. 3280

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 10th May, 1941.

The Committee of the Privy Council have had before them a report dated 8th May, 1941, from the Minister of Fisheries, representing as follows:—

When a state of war developed in Norway in April, 1940, the Norwegian sealing fleet was on the fishing grounds. The vessels which were engaged in sealing operations in the West ice ultimately returned to Norway, while those operating southwest of Greenland proceeded to St. Johns, Newfoundland.

Immediately following the outbreak of war all ships registered in Norway, or having their home port in that kingdom, and which were outside of that territory at that time, were requisitioned by the Norwegian Government. Accordingly, when five Norwegian sealing vessels arrived at St. Johns, Newfoundland, they were brought under the control of the Whaling Division of the Norwegian Shipping and Trade Mission.

Two of these vessels were acquired by the Government of Newfoundland, and a third vessel was lost. The two remaining vessels, the “Polaris” and “Polarbjorn”, after landing their catches, proceeded in ballast to North Sydney, Nova Scotia, on October 18, 1940, from Burin, Newfoundland, and wintered in Canadian ports. The vessels cleared from Halifax on March 5, 1941, for Greenland.

A request has now been received from the Royal Norwegian Consul General for Canada to permit these two vessels to call at a Canadian port, land their catches, which have been taken in extraterritorial waters between Greenland and the north coast of Newfoundland, and have them processed by a Canadian firm.

In view of the concern of the Government of Newfoundland for protection of the seal fishery, it would be necessary to provide that no further sealing activities be carried out by these vessels during the present calendar year and, if in the future permission to carry on sealing from Canadian ports should be granted, such permission must be subject to restrictions and conditions which would reasonably conform to the Newfoundland sealing laws and regulations.

It is understood that the vessels if given the permission sought, would outfit in Canadian ports to engage during the summer months in shark and whale fishing.

The necessary arrangements have been completed for admission to Canada of the officers and crews of the "Polaris" and "Polarbjorn" for whatever period may be required.

To comply fully with the request of the Royal Norwegian Consul General, authority is required to enable these vessels to operate in Canadian waters and to land and enter their catches duty free at Canadian ports.

The Minister, having in view the peculiar circumstances under which these vessels are operating, and being of opinion that under certain special conditions the request of the Royal Norwegian Consul General might reasonably and properly be granted, recommends with the concurrence of the Secretary of State for External Affairs and the Minister of National Revenue, that pursuant to the provisions of Section 2 of the Customs and Fisheries Protection Act, R.S. 1927, Chapter 43, authority be given for the issuing of licences subject to conditions hereinafter provided to the Norwegian sealing vessels "Polaris" and "Polarbjorn", to be effective to and including December 31, 1941, to fish for, take, dry or cure, any fish of any kind whatsoever in British waters, within three marine miles of any of the coasts, bays, creeks or harbours of Canada not included within the limits specified and described in the first article of the Convention between his late Majesty, King George III, and the United States of America, made and signed at London on the 20th day of October, one thousand eight hundred and eighteen. The operations under such licences are to be confined to the Atlantic Coast of Canada and continuation in force of the licences shall be subject to the following conditions,—

- (a) That each licence will be valid only so long as Norway remains our ally in the present war;
- (b) That each licence will be valid only so long as the carrying on of ordinary fishing activities in Norwegian waters is prevented by reason of the enemy occupation of that country; and
- (c) That no further sealing operations will be carried on by the vessels during the term of the licences.

The Minister further recommends that under authority of the War Measures Act, the Customs duty and excise taxes ordinarily payable on fish and products of the fisheries landed in Canada from the two Norwegian vessels, the "Polaris" and "Polarbjorn", during the period of operation under licence as provided for in the preceding paragraph, be remitted.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council giving new powers to Canadian Wheat Board re
deliveries and sales of wheat during crop year 1941-42

P.C. 3281

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 14th of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Trade and Commerce reports that in order to carry out the announced policy of restricting deliveries and sales of wheat in Canada to two hundred and thirty million bushels in the crop year commencing on August first, nineteen hundred and forty-one, new and additional powers must be given to the Canadian Wheat Board; and

That the restriction of deliveries and sales of wheat in Canada to two hundred and thirty million bushels in the crop year commencing on August first nineteen hundred and forty-one, and the vesting of powers in the Canadian Wheat Board to give effect to this restriction are measures required for the security, defence, peace, order and welfare of Canada;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under and by virtue of the War Measures Act, is hereby pleased to make the following regulations and to order that they shall operate according to their true intent, notwithstanding any provision to the contrary in the Canadian Wheat Board Act or in any other statute or law:

REGULATIONS

1. In these regulations, unless the context otherwise requires, the word "Act" means *The Canadian Wheat Board Act, 1935*, as amended, and all other words and expressions shall have the same meaning as they have in the said Act.
2. No person unless he is duly authorized by the Board so to do, shall during the crop year commencing on August first, nineteen hundred and forty-one, buy, or take delivery of wheat and no person during such crop year shall sell, deliver, or otherwise dispose of any wheat to any person not so authorized by the Board to buy or take delivery of wheat.
3. The authority of the Board, either directly or indirectly through the medium of persons duly authorized as hereinbefore provided to buy or take delivery of wheat, shall be strictly limited to the purchase and receipt of two hundred and thirty million bushels during the crop year commencing on the first day of August, nineteen hundred and forty-one, and the Board may prescribe such quota or quotas of wheat to be purchased or received from each or any producer either by the Board or by any person authorized by the Board to buy or take delivery of wheat, either generally or particularly or for a specified time or times, or any other method for restricting sales and deliveries as the Board deems necessary and desirable to effect the intent and purpose of this regulation.

4. The Board may pay storage charges at the rates prescribed by law upon wheat held on the farm or in store elsewhere than in licensed storage premises but not in respect of any quantity or quantities of wheat which, if delivered to the Board, would result in the limitation imposed by the next preceding section being exceeded. Such payment shall be made only for the period during which such wheat is stored by or on behalf of the producers elsewhere than in licensed storage premises.
5. No railway company or other person engaged in transportation shall receive, transport, hold or deliver any grain contrary to any order or instruction made or given by the Board.
6. The Board may, by order, regulate or prohibit the delivery, sale or disposition of any kind of grain by any person or fix the maximum amount of any kind of grain that any person may deliver, sell, or otherwise dispose of in any period of time.
7. Every person contravening any of these regulations or any order or instruction of the Board made thereunder, shall be guilty of an offence punishable on summary conviction by fine not exceeding five hundred dollars or by imprisonment for a period not exceeding three months or by both such fine and such imprisonment.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing tables of extra premiums—Civil
Service Insurance

P.C. 3350

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 14th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council of the 12th October, 1939, P.C. 3114, authority was granted, under the provisions of the War Measures Act, for the attachment of a war endorsement to policies of Civil Service Insurance issued since the beginning of the war;

And Whereas the said Order in Council provided for certain extra premiums payable under the war endorsement, which extra premiums are to remain in force until order is made to the contrary;

And Whereas the Minister of Finance reports that experience so far has shown that some changes are necessary in the said extra premiums so that the amounts charged may bear a more exact relation to the hazard involved;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, is pleased to order as follows:

1. The form of Table of Extra Premiums in Schedule A of the Order in Council of October 12, 1939, P.C. 3114, and Schedule B of the said Order in Council, are hereby repealed and replaced by the form of Table of Extra Premiums and Schedule B, respectively, attached hereto.
2. The rates of extra premiums set forth in Schedule B hereto shall apply to policies issued on and after June 1, 1941.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

SCHEDULE A

TABLE OF EXTRA PREMIUMS

*Extra Premiums Payable under this Endorsement
for the Risks herein specified*

SECTION I—Aviation Service within Canada, Newfoundland and Continental United States of America (see paragraph 1 above)—

1. Officers (non-flying) and Groundsmen such as Clerks, Mechanics, Repair men, etc..... \$ per \$1,000 per month
2. Pilots in training..... \$ per \$1,000 per month
3. Experienced Pilots, viz., those with 300 or more flying hours—
 - (a) Non-commissioned Pilots.... \$ per \$1,000 per month
 - (b) Pilot Officers..... \$ per \$1,000 per month
 - (c) Flying Officers..... \$ per \$1,000 per month
 - (d) Flight Lieutenants..... \$ per \$1,000 per month
 - (e) Squadron leaders..... \$ per \$1,000 per month
 - (f) Wing Commanders..... \$ per \$1,000 per month
4. Crew, Observers or Photographers..... \$ per \$1,000 per month

SECTION II—Military or Naval Service outside Canada, Newfoundland and Continental United States of America (see paragraph 2 (2) above)—

1. All Military Services other than Aviation Services except those in part 2 of this Section \$ per \$1,000 per month

NOTE.—For the present, members of the Military Service may be covered while in Bermuda without payment of an extra premium.

2. Army Medical Corps (except Nurses), Pay Corps, Postal Corps, Ordnance Corps, Forestry Corps, Railway Operating Units.. \$ per \$1,000 per month

NOTE.—Doctors or Surgeons in the Army Medical Corps attached to base hospitals or assigned to definite positions for special duties may be covered while in Great Britain upon payment of an extra premium of \$ per \$1,000 per month.

3. Nurses \$ per \$1,000 per month
4. All Naval Service..... \$ per \$1,000 per month

SECTION III—Civilian Travel and Residence outside Canada, Newfoundland and Continental United States of America (see paragraph 2 (3) above)—

1. Travel to or residence in Bermuda, the West Indies and South America..... No extra premium.
2. Travel or residence otherwise than described in part 1 of this Section..... \$ per \$1,000 per month depending on the length of travel or residence, number of trips, etc.
3. Civilian engaged in flying bombers overseas. \$ per \$1,000 per month

SCHEDULE B

TABLE OF EXTRA PREMIUMS

*Extra Premiums Payable under this Endorsement
for the Risks herein specified*

SECTION 1.—Aviation Service within Canada, Newfoundland and Continental United States of America (see paragraph 1 above)—

1. Officers (non-flying) and Groundsmen such as Clerks, Mechanics, Repair Men, etc.. \$0.85 per \$1,000 per month
2. Pilots in training..... \$5.00 per \$1,000 per month
3. Experienced Pilots, viz., those with 300 or more flying hours—
 - (a) Non-commissioned Pilots... \$3.35 per \$1,000 per month
 - (b) Pilot Officers..... \$3.35 per \$1,000 per month
 - (c) Flying Officers..... \$2.90 per \$1,000 per month
 - (d) Flight Lieutenants..... \$2.10 per \$1,000 per month
 - (e) Squadron Leaders..... \$1.65 per \$1,000 per month
 - (f) Wing Commanders..... \$1.25 per \$1,000 per month
4. Crew, Observers or Photographers..... \$2.90 per \$1,000 per month

SECTION II—Military or Naval Service Outside Canada, Newfoundland and Continental United States of America (see paragraph 2 (2) above)—

1. All Military Services other than Aviation Services except those in part 2 of this Section \$7.50 per \$1,000 per month

NOTE.—For the present, members of the Military Service may be covered while in Bermuda without payment of an extra premium.

2. Army Medical Corps (except Nurses), Pay Corps, Postal Corps, Ordnance Corps, Forestry Corps, Railway Operating Units. \$3.35 per \$1,000 per month

NOTE.—Doctors or Surgeons in the Army Medical Corps attached to base hospitals or assigned to definite positions for special duties may be covered while in Great Britain upon payment of an extra premium of \$2.10 per \$1,000 per month.

3. Nurses \$2.10 per \$1,000 per month
4. All Naval Service..... \$7.50 per \$1,000 per month

SECTION III—Civilian Travel and Residence outside Canada, Newfoundland and Continental United States of America (see paragraph 2 (3) above)—

1. Travel to or residence in Bermuda, the West Indies and South America.....No extra premium.
2. Travel or residence otherwise than described in part 1 of this Section.....\$0.85 per \$1,000 per month depending on the length of travel or residence, number of trips, etc.
3. Civilians engaged in flying bombers overseas \$3.35 per \$1,000 per month

Order in Council establishing provisions for award of George Cross
and George Medal

P.C. 3445

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th May, 1941.

The Committee of the Privy Council have had before them a report dated 8th May, 1941, from the Secretary of State for External Affairs, representing:—

- (a) That His Majesty the King, by Royal Warrant dated 24th September, 1940, has made provision for the award of the George Cross, including the following clause:—

“Fourthly: It is ordained that awards shall be made only on a recommendation to Us, for civilians by Our Prime Minister and First Lord of the Treasury, and for Officers and members of Our Naval, Military or Air Forces, as described in the previous Clause of this Our Warrant, only on a recommendation by Our First Lord of the Admiralty, Our Secretary of State for War or Our Secretary of State for Air, as the case may be.

- (b) That His Majesty the King, by Royal Warrant dated 24th September, 1940, has made provisions for the award of the George Medal, including a clause identical with that which is set forth above;
- (c) That in the foregoing Royal Warrants there was contained a provision which reads as follows:—

“Thirdly: It is ordained that the persons eligible for the Decoration of the Cross (Medal) shall be

(1)

(2)

- (3) Our faithful subjects and persons under Our protection in civil life, male, and female, within, and members of the Naval, Military or Air Forces belonging to, any other part of Our Dominions, Our Government whereof has signified its desire that the Cross (Medal) should be awarded under the provisions of this Our Warrant, and any Territory being administered by Us in such Government.

The Cross (Medal) is intended primarily for civilians and award in Our Military services is to be confined to actions for which purely military Honours are not normally granted;

And the Government of Canada has signified its desire that the Cross and Medal should be awarded accordingly.

- (d) That it is expedient that provisions should be made for the award of the George Cross and George Medal by His Majesty the King upon the recommendation of the Governor in Council, or by His Excellency the Governor General upon the recommendation of the Governor in Council, in appropriate circumstances and pursuant to arrangements approved by His Majesty the King.

The Committee, therefore, on the recommendation of the Secretary of State for External Affairs (concurred in by the Minister of National Defence, the Minister of National Defence for Air and the Minister of National Defence for Naval Services), advise that the Prime Minister of Canada submit for the approval of His Majesty the King the following arrangements with regard to the award of the George Cross and the George Medal:—

1. That awards of the George Cross and George Medal may be made to civilians in accordance with the provisions of the Royal Warrant aforesaid, in respect of acts of heroism or of great bravery which have been performed in Canada, or on Canadian ships or aircraft, during the present war and thereafter, upon the recommendation of the Governor in Council;
2. That awards of the George Cross and George Medal may be made to members of His Majesty's Naval, Military or Air Forces in accordance with provisions of the Royal Warrants aforesaid, in respect of acts of heroism or of great bravery wheresoever they may have been performed, upon the recommendation of the Governor in Council;
3. That the principles and rules set forth in the Order in Council P.C. 1430 dated 9th April, 1940, and any order in Council revising or amending the same shall, to the extent to which they are applicable, govern the award of the George Cross and George Medal establishing the procedure that should be followed and determining the circumstances in which recommendations and decisions should be made by the Governor in Council or other authority whether within Canada or elsewhere;
4. That, in determining whether awards of the George Cross and George Medal are to be made by His Majesty the King upon the recommendation of the Governor in Council or by His Excellency the Governor General, in the name of His Majesty the King, upon the recommendation of the Governor in Council, the same rules and principles may be followed as have been or may be approved by His Majesty the King in respect of awards of medals and decorations under the provisions of Order in Council P.C. 1430, dated 9th April, 1940, and any Order in Council revising or amending the same.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council prohibiting erection of private houses, etc., except under licence from the Priorities Officer—appointment Deputy Priorities Officer

Canada Gazette (Extra), 21st May, 1941

P.C. 3481

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 16th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas under and by virtue of the Department of Munitions and Supply Act the Minister of Munitions and Supply has, among other duties, the duty of organizing the resources of Canada contributory to, and the sources of supply of, munitions of war and supplies and the agencies available for the supply of the same, and of mobilizing, conserving and co-ordinating the economic and industrial facilities available in respect of munitions of war and supplies for the effective prosecution of the present war;

And whereas by Order in Council P.C. 1169 of 20th February 1941, provision was made for the appointment of a Priorities Officer whose duties are, among other things,

- (a) to ensure that the war requirements of His Majesty, in order of their importance, shall have priority over all other requirements, and to provide for their orderly, efficient, continuous and prompt supply; and
- (b) to determine, whenever necessary, priorities of production, transportation and delivery in order to meet such war requirements of His Majesty;

And whereas a Priorities Officer has been appointed in the person of the Director General of the Priorities Branch of the Department of Munitions and Supply;

And whereas the Priorities Officer represents that, in the public interest and in order to achieve the results and reach the objectives hereinbefore set forth and described, it is desirable

- (a) to control and limit the demands now being made, and which may hereafter be made, by undertakings not essential for the successful prosecution of the war, on the available supplies of materials, equipment and labour, whether for expansion or for replacement and modernization of plant, while maintaining, promoting and safeguarding the national export trade; and
- (b) for the purposes aforesaid, and in order to enable him to carry out fully and effectively the duties of his office, and in particular the duties imposed upon him by this Order in Council, to appoint a Deputy Priorities Officer or Deputy Priorities Officers;

And whereas the Minister of Finance is of the opinion that, with a view to the successful prosecution of the war and the rehabilitation and re-establishment on a sound basis, after the war, of industrial and commercial businesses and undertakings, and for the general economic welfare of the nation, it is essential at this time

A. to take steps

- (a) to release for the war effort domestic resources of material and labour and foreign exchange, by providing for postponement of requirements for modernization and rehabilitation of industrial and commercial plant and equipment; and
- (b) to assist in the maintenance of employment and economic activity after the war

and, for that purpose

- B. to control such new construction, repairs (as hereinafter defined) to buildings, expansion of existing facilities and/or replacement of equipment, as are not essential for the successful prosecution of the war, and to restrict and limit the demands for materials, equipment and labour as aforesaid;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and the Minister of Finance, and under and in virtue of the powers conferred by the Department of Munitions and Supply Act and by the War Measures Act, is pleased to order and doth hereby order as follows:

1. For the purposes of this Order in Council, and unless the context otherwise requires:

- (a) "Building" includes a structure of any and every kind and for whatever purpose used, excepting always
 - (i) any building (other than an hotel) designed, adapted and used or intended to be used exclusively for human habitation, and comprising not more than three self-contained dwelling places, and any necessary and usual outbuilding appurtenant thereto; and
 - (ii) any building or structure which is in use, or is intended to be used, for agricultural, mining, logging or commercial fishing purposes, and any building or structure (other than an hotel) which is in use, or is intended to be used by a railway or other transportation company; and
 - (iii) any building owned by His Majesty or by any company the capital stock of which, or a controlling interest therein, is owned by His Majesty; and
 - (iv) any building erected under authority granted by the Governor General in Council or by the Minister, or by some other person authorized by the Governor General in Council or by the Minister, or erected with funds supplied by His Majesty for such purpose.
- (b) "equipment" includes machines, machinery, engines, vehicles, furniture, furnishings, tools, apparatus, fixtures, installations and facilities of every kind for installation and/or use in, or necessary or useful for, the equipping, maintenance and/or operation of any plant as hereinafter defined. Provided always that "equipment" shall not include any of the items, articles or things hereinbefore mentioned when the same
 - (i) are in use for agricultural, mining, logging or commercial fishing purposes; or
 - (ii) are in use by, or installed in the plant (other than an hotel) of a railway or other transportation company; or
 - (iii) are in use by, or installed in, a plant owned by His Majesty or by any company, the capital stock of which (or a controlling interest therein), is owned by His Majesty; or
 - (iv) have been purchased under authority granted by the Governor General in Council or by the Minister or by any Company the incorporation of which has been procured by the Minister by virtue of The Department of Munitions and Supply Act, or have been purchased with funds supplied by His Majesty for such purpose.
- (c) "company" includes corporation, firm, partnership, person, co-operative enterprise or aggregation of persons.
- (d) "hotel" includes any other similar commercial enterprise.
- (e) "the Minister" means the Minister of Munitions and Supply for the time being and his duly appointed successors in office, and includes the Deputy Minister.
- (f) "the Officer" or "the Priorities Officer" means the Priorities Officer appointed by virtue of Order in Council P.C. 1169 of 20th February, 1941, being presently the Director General of the Priorities Branch of the Department of Munitions and Supply; and includes any Deputy Priorities Officer.
- (g) "order" includes licence, permit, regulations, prohibition, requirement.
- (h) "person" includes firm, partnership, company, corporation, co-operative enterprise or aggregation of persons.

- (i) "plant" includes factory, mill, garage or shop for repairing automobiles or machinery, warehouse or storehouse, greenhouse, wholesale or retail merchandizing establishment, shop, store, hotel, restaurant, club, theatre, motion picture theatre, building or premises primarily devoted to sports or other amusement purposes, power plant, printing and/or publishing establishment, and manufacturing, producing, fabricating, processing and/or assembling plant, shop or enterprise, and every other commercial and/or industrial premises of a like nature.
- (j) "project" means, according as the context may require, the installation of equipment, the erection or construction of a building or buildings, or the making of repairs to a building or buildings, comprising
 - (a) one entire operation or undertaking, or
 - (b) a series of operations, relating as being
 - (i) carried out at or about the same time, or
 - (ii) part of one plan, or carried on by, or on behalf of, or under the control of, the same person, and whether or not such operations are carried out at or about the same time, or in an uninterrupted and continuous succession.
- (k) "repairs" include rehabilitation of, and alterations, improvements and additions to, a building, as hereinbefore defined.

2. (1) Whether or not he shall have previously entered into any contract or made any commitment with respect thereto, unless he shall have obtained from the Officer a licence for any such purpose, no person shall after the 29th day of April, 1941,

- (a) install in any plant or building any equipment, purchased or otherwise acquired by such person subsequent to such date at a total cost, for all the equipment so installed in each individual project, exceeding five thousand dollars (\$5,000.00); or
- (b) build, erect or construct any building or buildings at a total cost, for the erection of the building or buildings in each individual project, exceeding ten thousand dollars (\$10,000.00); or
- (c) make repairs to any building or buildings at a total cost, for the making of the repairs in each individual project, exceeding twenty-five hundred dollars (\$2,500.00).

(2) Nothing in this section contained shall restrict, extend, limit, supersede or otherwise alter, amend or affect the provisions of any order heretofore or hereafter made or issued by any Controller appointed pursuant to The Department of Munitions and Supply Act and The War Measures Act, or by The War-time Prices and Trade Board or by any Administrator appointed by that Board.

3. If any dispute shall arise as to the application of the terms of this Order in Council, the decision of the Officer thereon (but subject always to the approval of the Minister) shall be final and conclusive.

4. The Minister may appoint and remove a deputy or deputies to the Priorities Officer. Each of such deputies shall be known as a Deputy Priorities Officer, and each Deputy Priorities Officer shall have and exercise any and all powers and discharge any and all duties conferred and/or charged upon the Priorities Officer, subject to any restrictions thereof which the Priorities Officer may from time to time impose, and subject in all cases to review by the Priorities Officer.

5. The Officer, with the approval of the Minister, may issue or make, from time to time, such general and/or special orders as he may deem necessary or advisable in order to give effect to, and carry out, the intent and purpose of this Order in Council, and, with the same approval may amend or cancel the same from time to time.

6. Any person who contravenes or fails to observe the terms or requirements of this Order in Council, or of any order issued or made by the Officers with the approval of the Minister, or, in any manner, hinders or obstructs the Officer in the exercise of any of his powers, shall be guilty of an offence under The Department of Munitions and Supply Act, and liable to the penalties therein provided.

* 7. Whenever in this Order in Council an amount in money is fixed as a limit to the cost of equipment, or of a building, or of repairs, which may be purchased, installed, erected or made, without a licence from the Officer, the Minister may, by written order, from time to time and in his absolute discretion, (a) increase, decrease or otherwise alter or amend such amount; and/or (b) fix and alter the period within which the amount expended for any such purpose shall not exceed the amount so fixed;

provided that any such increase, decrease, alteration or amendment, and/or the fixing or alteration of any such period may, in the discretion of the Minister, be of general application or apply only to any one or more of such classes or kinds of enterprises, trades, businesses, industries and/or undertakings as as the Minister may direct; provided further that such order shall be effective from such date (whether before or after the date of the making of the order) as the Minister may in such order direct, and shall be published in the *Canada Gazette*.

8. Where the failure to fulfil any contract made prior to the 30th day of April, 1941, is due to the compliance on the part of any person with the provisions of this Order in Council, or of any order issued or made pursuant thereto by the Minister or by the Officer with the approval of the Minister, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

* As amended by Order in Council P.C. 3634 of May 21, 1941.

**Order in Council increasing quota of Western feed grains for Ontario—
payment portion of freight charges on western feed grains**
P.C. 3515

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 19th May, 1941.

The Committee of the Privy Council have had before them a report, dated 14th May, 1941, from the Minister of Agriculture, representing that by Order in Council dated the 22nd day of January, 1941, P.C. 497, the Minister of Agriculture was authorized, under the War Measures Act, to pay one-half the freight charges on Western feed grains which might be brought by any province in Eastern Canada into that province for conversion into live stock feed;

That a quota of 3,200,000 bushels was fixed for the Province of Ontario as the amount which it was considered to be sufficient to satisfy the needs of that Province; and

That it has been found that this amount has been insufficient to meet the requirements and the Province has had to exceed this quota by approximately 110,000 bushels.

The Committee, therefore, on the recommendation of the Minister of Agriculture, advise that under the authority of the War Measures Act the quota of bushels allotted to the Province of Ontario as prescribed in the said Order in Council be amended by increasing such allotment to 3,310,000 bushels.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations Rehabilitation Grant

(P.C. 7521 of December 19, 1940)

P.C. 3544

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 19th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by an Order-in-Council dated 19th December, 1940, P.C. 7521, Regulations were established providing for a Rehabilitation Grant to be paid to members of the Naval, Military and Air Forces of Canada who, having served continuously on active service during the present war for a period of not less than One Hundred and Eighty-Three days, were retired or discharged from any of the said Forces, or ceased to serve on active service;

And whereas the Associate Minister of National Defence reports that, in the administration of the Regulations, certain matters have come to light which were not foreseen originally, and in respect of which the said Regulations do not make adequate provision, namely,—

Under paragraph 2 of the Regulations it is provided that in respect of any member of the Forces who, immediately prior to his retirement or discharge therefrom, or to his having ceased to serve on active service, was granted leave of absence with pay and allowances, the amount of such pay and allowances issued to or in respect of him during such period of leave of absence shall be deducted from the amount of the said Rehabilitation Grant otherwise payable. It is considered that this proviso should not extend to leave of absence which under Regulations existing at the time was granted for purposes other than to enable the individual to re-establish himself in civil life, and that the Regulations should be amended accordingly.

Under the Regulations a member of the Forces who, immediately upon his retirement or discharge therefrom, will be granted a Service Pension under the Militia Pension Act is not debarred from being paid the Rehabilitation Grant. It is considered that said Grant should not be paid to such member of the Forces. Cases have arisen, and will arise in the future, in which a member of the Forces has been retired or discharged, and has received the Rehabilitation Grant, but who, after re-establishing himself in civil life, has again been called upon to serve or, having offered his services, has been again appointed or enlisted to or in the Forces. It is considered that upon such a member of the Forces being subsequently retired or discharged, he again needs financial assistance towards re-establishing himself in civil life and, therefore, that provision should be made whereby under certain conditions he would be eligible for a further Rehabilitation Grant. Under the present Regulations the period during which a member of the Forces is in cells, detention or prison, in consequence of his having been convicted of an offence, and the period during which a member of the Forces is in a state of desertion or is an absentee without leave, is not excluded from the period of service required to establish eligibility for the Grant. It is considered that such periods should be excluded.

Therefore His Excellency the Governor General in Council, on the recommendation of the Associate Minister of National Defence, concurred in by the Minister of National Defence for Air, and the Minister of National Defence for Naval Services, and under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, is pleased to amend the Regulations made

and established by the aforesaid Order in Council dated 19th December, 1940, P.C. 7521 and they are hereby further amended as follows:—

PARAGRAPH 1 (a)—

After the words “One Hundred and Eighty-Three (183) days” insert—
“exclusive of time in cells, detention, prison, in a state of desertion, or complete days of absence without leave”.

PARAGRAPH 2—

After the words “leave of absence with pay and allowances” insert—
“Over and above any such leave of absence specifically provided for in Orders or Regulations at the time the same was granted”.

PARAGRAPH 3—

Insert new sub-paragraph (e)—

“(e) Retirement or discharge with immediate grant thereon of a Pension under the Militia Pension Act.”

After Paragraph 3 insert new paragraph, numbered 3A.—

“3A. When any officer or man who, by reason of his having previously served on active service in the Naval, Military or Air Forces of Canada, and has in respect of such service been paid the Rehabilitation Grant, subsequently serves again in any of the said Forces on active service, he shall be eligible upon his subsequent retirement or discharge, or ceasing to serve on active service, for a further Rehabilitation Grant, provided the foregoing conditions are fulfilled, except that, in the event of his rejoining any of the said Forces within Thirty days of his previous retirement or discharge, or of his having ceased to serve on active service, one-thirtieth of the amount of the Grant paid to him shall be deducted from his pay for each day of the Thirty days still to run.”

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

**Order in Council establishing regulations—claims against the Crown—
regulations governing to apply to Canadian Naval Forces and
personnel thereof serving in the United Kingdom
or in Europe**

P.C. 11/3550

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by His Excellency the Governor General in Council, on the
19th May, 1941.*

The Board had under consideration a memorandum from the Honourable the Minister of National Defence for Naval Services reporting:—

“That by an Order in Council dated the 11th April, 1941, P.C. 29/2544, Your Excellency in Council was pleased to make Regulations governing claims made by or against the Crown in the right of the Dominion of Canada, and involving the Canadian Army and the Royal Canadian Air Force in the United Kingdom and on the continent of Europe;

That under the said Regulations, the Canadian Claims Commission was constituted in the United Kingdom, whose powers, duties and functions are as set out in the Regulations in question, but said powers, duties and functions do not extend to claims against the Crown arising in the United Kingdom and on the continent of Europe out of any death or injury to the

person or property resulting from the alleged negligence of any Canadian Naval personnel while acting within the scope of their duty or employment, or to claims which the Crown may have against any person, corporation or authority in the United Kingdom or on the continent of Europe arising out of any death or injury to Canadian Naval personnel.

That in view of the large number of Officers and Ratings of the Canadian Naval Forces now serving in the United Kingdom, and which may hereafter serve there or on the continent of Europe, it is desirable in the public interest that the Regulations made by the said Order in Council of the 11th April, 1941, be made applicable to Canadian Naval Forces serving in the United Kingdom or on the continent of Europe to the same extent and in like manner as they now apply to, or with respect to, Canadian Military or Air Force personnel.

To that end, the undersigned has the honour to recommend that Your Excellency, under and by virtue of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Act, Law or Regulation, be pleased to order that the Regulations made and established by the Order in Council dated the 11th April, 1941, P.C. 29/2544, apply to Canadian Naval Forces and the personnel thereof serving in the United Kingdom or on the continent of Europe, to the same extent and in like manner as they now apply to, or in respect of, Canadian Military and Air Force personnel."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing establishment of manning pools for
merchant seamen**

P.C. 14/3550

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by His Excellency the Governor General in Council, on the
19th May, 1941.*

The Board had under consideration a memorandum from the Honourable the Minister of Transport reporting:—

"That Section 3 (d) of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, provides that the Governor in Council may make such orders and regulations as he may, by reason of the existence of real or apprehended war, deem necessary or advisable for the security, defence, peace, order and welfare of Canada in matters of transportation by land, air or water and the control of the transportation of persons and things;

That the merchant marine, on which our seaborne commerce depends, is, under present conditions, virtually an arm of our fighting services, and the provision of merchant seamen, their training, care and protection is essential to the proper conduct of the war, and vitally necessary to the keeping open of the sea-lanes on which the successful outcome of the present conflict so largely depends;

That the Interdepartmental Sub-Committee on matters affecting merchant seamen has recommended the establishment of manning pools to provide adequate accommodation on shore in Canadian ports for merchant seamen where they would receive board, lodging and pay provided they, in return, agreed, in writing, to go to sea on any ship of their own nationality or on any ship to which they might be assigned, the expense in

respect of which accommodation and services on behalf of other than Canadian merchant seamen to be a charge against their respective governments;

That it was further recommended by the Interdepartmental Sub-Committee that present welfare facilities for the recreation and comfort of merchant seamen in Canadian ports should be extended, and new welfare facilities provided to meet expanding wartime needs;

That the Canadian Shipping Board has concurred in the recommendations made by the said Interdepartmental Sub-Committee, and has further recommended that a special branch of the Department of Transport be established for the recruiting and training of officers and men for the Canadian Merchant Navy in nautical schools, and that the said branch should be set up as early as possible in view of the existing scarcity of trained merchant seamen;

That for the purpose aforesaid it is expedient that an officer, to be known as the Director of Merchant Seamen, be appointed and charged with the administration and operation of the said manning pools and welfare facilities;

That it is estimated that the sum of \$250,000.00 will be required for the construction and equipment of the proposed manning pools, the extension of the existing nautical schools and welfare facilities for merchant seamen and for the maintenance and operation thereof during the fiscal year 1941-42; and that of the said sum, an amount estimated at \$30,000.00 will require to be available before June 30, 1941, to meet progress estimates on construction work, and for the salary and expenses of the said Director of Merchant Seamen and his staff, and the Controller of the Treasury has advised that, subject to the said expenditure being authorized, a Certificate of Encumbrance No. 2695 of April 30, 1941, covering such expenditure has been recorded and will be entered as an encumbrance against the War Appropriation for 1941-42."

The Board concur in the above report, and have approved the expenditure by the Department of Transport of a sum not exceeding \$250,000 to be allotted from the War Appropriation, 1941-42, for the construction and equipment, in such places as may be deemed advisable by the Minister of Transport, of manning pools, expansion of existing nautical schools, and welfare facilities for merchant seamen, and for maintenance and operation thereof during the fiscal year, 1941-42.

The Board recommend that authority be given for:

1. The appointment of an officer to be known as the Director of Merchant Seamen, to be charged with the administration and operation of the said manning pools of merchant seamen and welfare facilities for merchant seamen, together with such regional directors and staff as may be required in Ottawa and elsewhere: Provided that such appointments shall be made in accordance with the terms of Order in Council P.C. 1/1569 of April 19th, 1940.
2. The making, by the Minister of Transport, of such rules and regulations as, in the opinion of the Minister, may be required for the aforementioned purposes.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations of The Bacon Board

P.C. 3577

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 21st day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council dated the 13th day of December, 1939, P.C. 4076, as amended, regulations were established setting up the Bacon Board with authority, inter alia, to control the marketing of bacon exported to the United Kingdom Ministry of Food and, in particular, to order that packers or any other persons who slaughter hogs or process bacon shall obtain licences from the Board;

And whereas the Minister of Agriculture reports that it has been found necessary and desirable, in order that the Board may efficiently perform its duties and accomplish its purpose, to extend the Board's authority to include amongst those persons who may be required to obtain a licence, those who purchase dressed hogs; and

That it is also desirable that any regulation or any addition to, amendment or repeal thereof, should be effective from the date of approval by the Governor in Council rather than from the date of publication in the *Canada Gazette*;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the War Measures Act, is pleased to amend the said regulations and they are hereby further amended as follows:

1. Clause 4 (1) (1) as amended by Order in Council dated the 5th day of May, 1941, P.C. 2978, is repealed and the following substituted therefor;

"(1) to order that packers or any other persons who slaughter hogs, process pork or purchase dressed hogs, shall obtain licences from the Board and to issue licences to such persons upon such terms and conditions to be fixed by the Board and to fix the fees payable on account of such licences; provided, however, that the issue to any person of a licence shall not be deemed to affect the liability of such person to obtain a licence as required by any other statute or law of Canada or any province thereof."

2. Clause 9 is hereby repealed and the following substituted therefor:

"9. (1) these regulations and any addition to, amendment or repeal thereof, shall come into force on the date of approval and shall be published in the *Canada Gazette*.

(2) any order of the Board shall be effective from the date thereof and shall be published in the *Canada Gazette*.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending P.C. 3481, 16th May, 1941—prohibiting the erection of certain types of buildings except under permit

P.C. 3634

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 21st day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3481 of 16th May, 1941, the installation of new equipment, the construction of new buildings or the making of repairs at a cost exceeding the limits fixed in such Order in Council, is prohibited after the 29th of April, 1941, unless a licence for the same be obtained from the Priorities Officer appointed by Order in Council P.C. 1169 of 20th February, 1941;

And whereas the Priorities Officer represents that, in order to enable him to carry out fully and effectively the duties imposed on him by the said Order in Council P.C. 3481, it is necessary to provide for the selective application, in some cases, of the amounts fixed in such Order in Council P.C. 3481, as the cost limits for individual projects, beyond which no project may be undertaken without a licence from the Priorities Officer;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and the Minister of Finance, and by virtue of the powers conferred by The Department of Munitions and Supply Act and by The War Measures Act, is pleased to amend the said Order in Council P.C. 3481 of 16th May, 1941, and it is hereby amended by deleting clause number 7 thereof and substituting therefor the following:

7. Whenever in this Order in Council an amount in money is fixed as a limit to the cost of equipment, or of a building, or of repairs, which may be purchased, installed, erected or made, without a licence from the Officer, the Minister may, by written order, from time to time and in his absolute discretion,

- (a) increase, decrease or otherwise alter or amend such amount; and/or
- (b) fix and alter the period within which the amount expended for any such purpose shall not exceed the amount so fixed;

provided that any such increase, decrease, alteration or amendment, and/or the fixing or alteration of any such period may, in the discretion of the Minister, be of general application or apply only to any one or more of such classes or kinds of enterprises, trades, businesses, industries and/or undertakings as the Minister may direct; provided further that such order shall be effective from such date (whether before or after the date of the making of the order) as the Minister may in such order direct, and shall be published in the *Canada Gazette*.

In all other respects the said Order in Council P.C. 3481 of 16th May, 1941, is hereby confirmed, and, as hereby amended, shall continue in full force and effect.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing "Sea Cadet Corps Regulations, 1941"

P.C. 3655

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 26th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence for Naval Services reports that on account of the expansion of the Naval Forces of Canada and the important role which such Forces now have, it is considered desirable to organize Sea Cadet Corps in which boys who are too young to join the Royal Canadian Navy may receive elementary training similar in principle to the Military Training given to boys who are members of Military Cadet Corps organized under the Militia Act;

That Sea Cadet Corps administered under the direction of the Minister of National Defence for Naval Services would enable elementary naval training to be given to a number of boys with a minimum of expense, and would thus provide a source of partially trained personnel which could be utilized to meet future naval requirements; and

That it is desirable that such Sea Cadet Corps be under Naval control and direction, which would not be practicable if such Cadet Corps were organized under the provisions of the Militia Act;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Naval Services, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased notwithstanding the provisions of the Militia Act, Chapter 132 of the said Revised Statutes, or any other Act or Law, to make the following regulations which may be cited as "Sea Cadet Corps Regulations, 1941", and they are hereby made and established, to come into force and effect as of and from the first day of June, 1941:

1. The Minister of National Defence for Naval Services may—

(a) authorize boys who have attained the age of twelve years, but have not attained the age of nineteen years, to be formed into Sea Cadet Corps.

(b) authorize Sea Cadet Corps or any portion thereof to drill or train for a period of not more than thirty days in each year.

2. Sea Cadet Corps shall be drilled, trained and furnished with arms, ammunition and equipment, in such manner and under such conditions as the Minister of National Defence for Naval Services may prescribe.

3. Sea Cadet Corps shall not be liable to service in the Naval Forces of Canada in any emergency.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending wheat acreage reduction regulations

P. C. 3688

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 23rd day of May, 1941.

PRESENT:

The Deputy of
His EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 3047, dated April 30th, 1941, provision was made for payments on the number of acres taken out of wheat production and seeded to grass or coarse grains or summerfallowed in 1941 in the Provinces of Manitoba, Saskatchewan and Alberta and the Peace River District in British Columbia;

And Whereas the Minister of Agriculture reports that wheat growers in the Creston Area of British Columbia also market their wheat through regular commercial channels, and it is, therefore, considered desirable that this district should be added to the area in which the above mentioned payments may be made;

Therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend the said Order in Council and it is hereby amended by inserting the words "and the Creston District" after the words "Peace River District" where they occur therein.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending cheese agreements with the United Kingdom—
providing \$1,950,000 for Cheese Fund

Canada Gazette (Extra), 18th June, 1941

P.C. 3696

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of May, 1941.

PRESENT:

His EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Order in Council dated the 13th day of November, 1940, P.C. 6478, approved an agreement between the United Kingdom Ministry of Food and Canada, under which Canada agreed to supply to the United Kingdom 112,000,000 pounds of Cheddar Cheese from the production of the season commencing April 1st, 1941, and ending March 31st, 1942;

And Whereas the Minister of Agriculture reports that to secure this quantity of cheese and meet domestic requirements, an increased production of 12,000,000 pounds will be required;

That production during the four months ending April 30, 1941, was 6,262,000 pounds less than during the same period of 1940;

That production during the month of April, 1941, was 1,217,000 pounds less than during April, 1940;

That, to encourage production, Order in Council dated the 10th day of January, 1941, P.C. 143, authorized the Dairy Products Board to make a supplementary payment of six-tenths of a cent per pound on cheese exported to the United Kingdom;

That it has been found that this payment has not resulted in increased production as anticipated;

That 93 per cent of the cheese produced in Canada and practically all of the cheese exported is produced in the Provinces of Ontario and Quebec;

That the Dairy Products Board has ordered that, commencing on the 26th day of May, 1941, all Cheddar Cheese produced in the Provinces of Ontario and Quebec shall be exported to the United Kingdom; and

That, in view of the fact that cheese for domestic consumption is generally commanding at least one cent a pound higher than the export price, it is necessary, in order to stimulate production and thereby secure the quantity of cheese required for delivery under the contract further to increase the supplementary payment authorized by Order in Council of the 10th day of January, 1941, P.C. 143;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to amend paragraph (s) of Clause 4 (1) of the regulations respecting the marketing and export of dairy products (which paragraph was added to the said regulations by P.C. 143, 10th of January, 1941,) and it is hereby amended by striking out the words "six-tenths of a cent" as found therein and substituting the words "one and six-tenths cents" thereof.

His Excellency in Council is hereby further pleased to direct that the sum of \$1,250,000.00, together with the amount of \$700,000.00 already requested to meet the supplementary payment of six-tenths of a cent previously authorized, making a total of \$1,950,000.00, be allotted and made available to the Cheese Fund out of the War Appropriation for the purpose aforesaid.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council establishing regulations with respect to the administering
of notarial acts in enemy occupied territories by United
States diplomatic officials**

Canada Gazette, 31st May, 1941

P.C. 3728

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 26th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State for External Affairs reports that it is expedient to provide for the making of oaths, affidavits, affirmations and declarations in enemy countries and in territories under enemy control;

That it is also expedient to provide means whereby persons imprisoned, interned, or detained in enemy countries or in territory under enemy control may execute legal documents; and for the recognition of such documents in so far as their formal validity is concerned, in administrative and judicial matters within Canada;

Therefore His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs (concurred in by the

Secretary of State of Canada and the Minister of Justice) and pursuant to the provisions of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to make the following regulations and they are hereby made and established:

REGULATIONS

- (1) Oaths, affidavits, affirmations, or declarations, sworn, affirmed or administered before any member of the diplomatic or consular service of a power which by arrangement with or with the concurrence of the Government of Canada has undertaken to represent Canadian interests in a foreign country, shall be as valid and effectual and shall be of like force and effect, as if the oath, affidavit, affirmation, or declaration had been administered, sworn, examined or made in Canada before a Commissioner for taking affidavits or other competent authority of like nature.
- (2) A Power of Attorney or other legal document executed in an enemy country, or in territory under enemy control, and requiring by any law in force in Canada to be attested or authenticated, may be attested or authenticated by any person who may, by virtue of the preceding regulation, take or administer oaths, affidavits, affirmations or declarations.
- (3) The jurat or attestation accompanying any oath, affidavit, affirmation, or declaration administered hereunder shall contain the date on which and the place at which the same has been sworn or taken, and the full name of the person taking the same and a statement of the capacity in which he is serving as aforesaid.
- (4) Any document purporting to have subscribed thereto the signature of any person, in testimony of any oath, affidavit, affirmation or declaration administered or taken before him, or purporting to have been attested or authenticated by him under the authority of all or any of the three preceding regulations, and containing in the jurat, attestation or authentication a statement of the facts required to be stated therein, shall be admitted in evidence or recognized in the course of administration, without proof of the signature being the signature of that person or of the facts so stated:

Provided that the authority for the admission or recognition of such documents shall be restricted to the matter of formal requirements and shall not be deemed to extend to matters of substance, and, provided further that any judicial or administrative authority concerned may in its discretion require additional proof of the signature or of the facts stated in the jurat or attestation.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing new regulations policy restricting deliveries
and sales of wheat (cancelling P.C. 3281 of May 14, 1941)

Canada Gazette, 5th July, 1941

P.C. 3849

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Trade and Commerce reports that in order to carry out the announced policy of restricting deliveries and sales of wheat in Canada to two hundred and thirty million bushels in the crop year commencing August first, nineteen hundred and forty-one, new provisions must be made and additional powers must be given to the Canadian Wheat Board;

That the restriction of deliveries and sales of wheat in Canada to two hundred and thirty million bushels in the crop year commencing August first, nineteen hundred and forty-one, and the vesting of powers in the Canadian Wheat Board to give effect to this restriction are measures required for the security, defence, peace, order and welfare of Canada;

That additional provisions and some amplification of and amendments to the Regulations made by Order in Council P.C. 3281, of 14th May, 1941 have been found to be necessary and desirable, that these have been recommended by the Canadian Wheat Board and that it is advisable in his opinion to rescind the said regulations and to make new regulations.

Now, Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, is pleased to rescind and doth hereby rescind the regulations made by Order in Council (P.C. 3281) of 14th May, 1941.

His Excellency in Council, on the same recommendation, and under and by virtue of the War Measures Act, is further pleased to make and doth hereby make the following regulations and order that such regulations shall operate according to their true intent, notwithstanding any provisions to the contrary in the Canadian Wheat Board Act or in any other statute or law:

REGULATIONS

PART I

1. In these regulations and in all documents and orders or instructions made or issued under them, unless the context otherwise requires, the word "Act" means *The Canadian Wheat Board Act, 1935*, as amended, the word "regulation" includes any provision hereof, the word "grain" includes flaxseed, and all other words and expressions shall have the same meaning as they have in the said Act.

PART II

2. The Board shall not in the crop year commencing on the first day of August, nineteen hundred and forty-one, receive, take delivery of, or buy wheat to an amount which, added to the amount of all wheat sold or disposed of otherwise than to the Board, and including all wheat milled, shall exceed in the aggregate approximately two hundred and thirty million bushels.

3. The Board shall have power to fix the maximum quantity or quota of wheat which may be sold, delivered, milled or disposed of by any person and such order may be either general or particular or for a specified time or times.

In addition to or in lieu of fixing such quota, the Board may prescribe any other method or other means of limiting sales, deliveries, millings or disposals which the Board deems necessary and desirable to effect the purpose and intent of this regulation.

4. No person unless he is duly authorized by the Board so to do, shall during the crop year commencing on August first, nineteen hundred and forty-one, buy, take delivery of, or mill wheat and no person during such crop year shall sell, deliver, or otherwise dispose of any wheat to or have it milled by any person not so authorized by the Board.

5. The Board may pay storage charges upon wheat held on the farm or in store elsewhere than in licensed storage premises but not in respect of any quantity or quantities of wheat which, if delivered to the Board, would result in the limitation imposed by the preceding sections hereof being exceeded. Such payments shall be made only for the period during which such wheat is stored by the producer elsewhere than in licensed storage premises. The amount that the Board may pay for such storage shall not in any case exceed the amount payable for storage in a country elevator for the same period according to the country elevator tariff rate filed with and authorized by the Board of Grain Commissioners.

6. No railway company or other person engaged in transportation shall receive, transport, hold or deliver any grain contrary to any order or instruction made or given by the Board.

7. The Board may, by order, regulate or prohibit the delivery, sale, disposition or milling of any kind of grain by any person or fix the maximum amount of any kind of grain that any person may deliver, sell, mill, or otherwise dispose of in any period of time.

8. Every person contravening any of these regulations or any order or instruction of the Board made thereunder, shall be guilty of an offence punishable on summary conviction by fine not exceeding five hundred dollars or by imprisonment for a period not exceeding three months or by both such fine and such imprisonment.

PART III

9. The regulations in this Part apply generally to the Western Inspection Division, excepting only certain coastal areas of British Columbia where the wheat is largely consumed on the farm. In British Columbia, the regulations apply only to points in the Peace River District and at Creston, Wynndel, Vanderhoof, Armstrong and such other points as the Board may hereafter designate.

10. No producer or person acting for a producer shall sell, deliver, mill or otherwise dispose of wheat without a permit from the Canadian Wheat Board.

11. No person shall deliver oats, barley, rye or flaxseed to any country elevator, loading platform, mill or terminal elevator without a permit from The Canadian Wheat Board.

12. All sales and deliveries of grain by the producer, including wheat taken to a mill and gristed for his own use, shall be entered in the permit book and shall not exceed his quota at his delivery point.

13. It shall be the duty of the producer to obtain a blank permit book from an elevator agent, and the producer shall take the book to a Municipal Secretary or any other person authorized to administer oaths, and have both copies of the statutory declaration at the front of the book properly sworn.

14. Both original and duplicate statutory declaration shall be signed by the person taking the declaration, and by the person before whom the declaration is sworn.

15. It shall be the duty of the permit holder to return the permit book to the elevator agent as quickly as possible. It shall then be the duty of the elevator agent to apply on Board forms for the wheat acreage figure on which the deliveries for the farm will be based in 1941-42. The original copy of the statutory declaration shall accompany this form and the permit book shall remain in the custody of the elevator agent until the Board advises him of the basic acreage figure. It shall then be the duty of the agent to record this figure truthfully and correctly in the permit book and return the book to the producer.

The sworn duplicate of the producer's statement must be retained in the permit book.

16. The producer actually carrying on the farming operations shall have the prior right to possession of the permit.

17. Whenever a quota of the grain produced on any land becomes deliverable, any producer entitled to a definite share of the crop as landlord, vendor or mortgagee, shall be entitled to have delivered in his name a share of such quota proportionate to such person's said interest in the grain, and shall have equal rights of delivery accorded to producers under the Act, and for such purpose the permit holder shall make the permit available, but the enforcement of this provision shall be the direct concern and responsibility of the interested parties themselves and no legal obligation shall devolve on the Board in respect thereto.

18. At the time of receiving the permit the producer shall select only one delivery point for his grain, which point shall be recorded on the permit, and no grain shall be delivered at any point other than the one shown on the permit.

19. The Canadian Wheat Board shall have power to change the delivery point of any producer if such change is deemed necessary by the Board in the interest of all concerned.

20. The aggregate deliveries from the land described in the permit shall not exceed the quotas established by the Canadian Wheat Board for the delivery point selected.

21. The delivery quotas allowable to each producer shall be in net weights, that is, after dockage is deducted.

22. No person shall apply or deliver any grain on his quotas from any land other than that described in his permit. Such description shall be a correct representation of the lands owned, rented or otherwise held and farmed by the producer taking the declaration, and the producer shall ascertain that no other person entitled to proceeds of the farm has taken out a permit for such lands.

23. When grain is delivered, the agent of the company or the person receiving delivery shall record and initial these deliveries and all other required details in the permit book.

24. The permit book shall not be mutilated or defaced and no entry in it shall be altered or erased unless made and initialled by the agent who made the original entry.

25. Only one permit book shall be issued for each farm or group of farms operated as a unit. All deliveries from such land, whether by or on behalf of or for the credit of any producer whether farmer, landlord, vendor, mortgagee, or any person entitled to the grain, shall be entered in the one permit book.

26. A producer with widely separated farms necessitating delivery at two or more elevator points may make application to the Board for a division of his lands between two or more permits, supplying the Board with evidence that no duplication of acreage exists.

27. No permit shall be issued for a shipping point without a licensed country elevator. Producers, having taken out permits for an elevator point, may ship over a loading platform upon securing permission from the Board.

28. In the case of cars of grain shipped over the loading platform, the producer shall make sure that the quantity loaded does not exceed his quota. The railway agent shall take every precaution to ensure that the amount loaded does not exceed the quota for the lands described in the permit book submitted to him. The permit book must accompany the bill of lading to the office of the company handling the shipment, where the recording of quantities shall be made. While the permit is out of the producer's possession, he can make no other delivery of grain.

29. All deliveries in excess of the quota in effect at the time must be returned by the recipient to the person making such over-deliveries and such person lastly referred to shall repay any amounts owing to the recipient of the wheat.

30. A form is provided in the permit book for the declaration of the producer's wheat yield per acre. The producer shall fill in and return this report form through the elevator agent or by mail direct to the Board as soon as possible after threshing is completed.

31. At the request of any officer of the law or of a duly authorized agent, inspector, clerk or employee of The Canadian Wheat Board, any person delivering grain or flaxseed shall produce and/or surrender the permit under which the said delivery is being or has been made, and any permit holder shall, at the request of any such officer of the law or duly authorized agent, inspector, clerk or employee of The Canadian Wheat Board produce and/or surrender as directed any permit held by him and give such information as may be required respecting the seeded acreage and production and the delivery of grain and flaxseed under the Canadian Wheat Board Act and these regulations.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council declaring Syria, Lebanon and French Somaliland
proscribed territory**

P.C. 3851

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Secretary of State of Canada, with the concurrence of the Minister of Finance, reports that in view of the possibility of the enemy exercising control over Syria, Lebanon and French Somaliland, it is necessary and expedient, with the view of preventing any of the resources in Canada of residents of such territories falling under the control of the enemy, to place under custody all property in Canada of persons residing in any of such territories, and to regulate trading with such persons; and

That the most expedient measure which can be adopted to ensure such custody and regulation is to use the machinery of the Custodian's office established under the Consolidated Regulations Respecting Trading with the Enemy (1939), and to confer on the Secretary of State the powers of regulation and control in respect of such property in Canada of persons residing in any

of such territories, which are exercisable by him as Secretary of State and as Custodian under the Consolidated Regulations Respecting Trading with the Enemy (1939) in respect to proscribed territory.

Therefore His Excellency the Governor General in Council, on the recommendation of the Secretary of State, with the concurrence of the Minister of Finance, and under and by virtue of the War Measures Act (R.S.C. 1927), Chapter 206, is pleased to order as follows:

From and including the 27th day of May, 1941, the provisions of the Consolidated Regulations Respecting Trading with the Enemy (1939) are hereby extended to and deemed to apply to Syria, Lebanon and French Somaliland as proscribed territory.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Schedule of minimum wage rates with respect to contracts for the manufacture of supplies (P.C. 3271 of December 31, 1934)

Canada Gazette (Extra), 5th June, 1941

P.C. 3884

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of May, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports with reference to Order in Council dated June 7, 1922 (P.C. 1206) amended as to the "B" conditions by Order in Council dated December 31, 1934 (P.C. 3271), setting forth the Fair Wages Policy of the Government of Canada with respect to contracts for the manufacture of supplies,—

1. that since December, 1934, the cost of living has increased 14 per cent and the average wage rates of common labour in factories have increased about 20 per cent;

2. that the minimum wage rates prescribed in the said Order, including rates of 30 cents per hour for men and 20 cents an hour for women, can therefore no longer be regarded as fair and reasonable minimum rates;

3. that a number of serious industrial disputes have arisen over wage rates at or near these minima; and

4. that much industrial unrest would be allayed and many industrial disputes averted if these minimum rates were increased to more reasonable levels;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, is pleased to order that the Schedule of Minimum Wage Rates in clause 1 of the said "B" conditions be and it is hereby rescinded and the following substituted therefor:

"Schedule of Minimum Wage Rates"

- (a) For any character or class of work, not less than the rate, if any, set for such work pursuant to any law of the province in which this work is performed, and, in any event,

- (b) For male employees over eighteen years of age and for any employee who holds a certificate of graduation from a recognized pre-employment school under Canada's War Emergency Training Programme, not less than 35 cents an hour; and
- (c) For female employees over eighteen years of age, not less than 25 cents an hour;

Provided however, that the Minister of Labour or his duly authorized representative may issue permits for the employment of beginners without previous experience in the trade at rates not less than the following:

Twenty cents per hour for the first four weeks of employment, twenty-five cents per hour for the second four weeks of employment, thirty cents per hour for the third four weeks of employment, and thirty-five cents thereafter,

and of handicapped persons at such special rates as the Minister finds to be fair and reasonable, upon written application therefor in such form as the Minister of Labour may prescribe."

His Excellency in Council, on the recommendation of the Minister of Labour and under the authority of the War Measures Act (chapter 206, R.S.C. 1927), is further pleased to order and doth hereby order as follows:

1. The terms of all existing contracts of the type to which the said "B" conditions apply, shall be revised by the insertion therein of the foregoing Schedule of Minimum Wages, such revision to become effective ten days after written notice thereof has been communicated to the contractor; and

2. Any contractor or subcontractor who employs any person in or upon the work of any contract at a wage rate of less than that prescribed in the foregoing Schedule of Minimum Wages shall be guilty of an offense and shall be liable on summary conviction to a fine of not less than ten dollars and not more than twenty-five dollars for each day on which each such person was so employed and shall be ordered to pay each such person twice the difference between the wages actually paid to him and the prescribed minimum rate.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending the Defence of Canada Regulations (Consolidation) 1940—control of lights, sounds and traffic

Canada Gazette (Extra) 6th June, 1941

P.C. 3962

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 2nd day of June, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Regulation No. 35, Defence of Canada Regulations (Consolidation) 1940, confers upon the Minister of National Defence, or any person authorized by him to act under the said Regulation, authority for the control of lights and sounds;

And whereas the Minister of Pensions and National Health has been charged with taking such action as is necessary insofar as the same may affect or relate to the civilian population in the event of air raids and generally to administer and co-ordinate activities required with respect to passive defence;

And whereas experience has shown that the Minister of Pensions and National Health should also have authority to prohibit and regulate the display of lights, the emission of flames, sparks or glare, the making of noise and the regulation of traffic, including the use of roads so far as appears to be necessary for avoiding danger consequent on compliance with any such regulation or prohibition;

And whereas to enable this to be done, it is necessary in the public interest that the provisions of Regulation No. 35, Defence of Canada Regulations (Consolidation) 1940, be expanded.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, with the concurrence of the Ministers of National Defence for Naval Services, National Defence for Air, and Pensions and National Health, and under and by virtue of the War Measures Act, Chapter 206, R.S.C. 1927, and notwithstanding the provisions of any other statute, law or regulation, is pleased to revoke and doth hereby revoke Regulation No. 35, Defence of Canada Regulations (Consolidation) 1940, and substitute therefor the following Regulation:

Control of Lights, Sounds and Traffic

35. (1) The Minister of Pensions and National Health, or any person authorized by him to act under this Regulation, may by order provide—

- (a) for prohibiting or regulating the display of lights of any such description as may be specified in the order;
- (b) for empowering a senior police officer, or any constable acting under the general or special directions of such senior police officer to prohibit or restrict, in the event of hostile attack or the apprehension of hostile attack, the display of any light which would otherwise be lawful under the order;
- (c) for securing that in such circumstances as may be specified in the order such indication of the position of such premises and places, and such warning of the presence of such vehicles, vessels, animals and things as may be so specified shall be given by such means as may be prescribed by order, and for prescribing the manner in which any apparatus for the purpose of giving any such indication or warning is to be constructed, installed and used;
- (d) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to the Minister of Pensions and National Health to be necessary for avoiding danger consequent on compliance with any provisions of an order under this Regulation which relate to the lighting of roads or of vehicles on roads;
- (e) for preventing or minimizing the emission of flames, sparks or glare or the making of noise, so far as appears to the Minister of Pensions and National Health to be necessary for the purpose of preventing the conveyance of information useful to the enemy or interference with measures taken for the safety of the state.

(2) Any such order may be made so as to apply either throughout Canada, or to any area or premises therein, may make different provision as respects different classes of premises, places, vehicles, vessels, animals or things, may grant, or provide for the granting of, absolute or conditional exemptions from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Minister of Pensions and National Health to be necessary or expedient for the purposes of the order.

(3) If any order made under this Regulation is contravened or not complied with in the case of any premises, vehicle or vessel, any constable or any member of His Majesty's forces may enter the premises or board the

vehicle or vessel and take in relation there to all such steps as may be reasonably necessary for the enforcement of the order.

(4) Any constable who has reason to suspect in the case of any vehicle that any order made under this Regulation is being, or has been, contravened or not complied with, may take any reasonable steps for the purpose of inspecting or examining the vehicle, or any part thereof or any lamps thereon or therein, with a view to ascertaining whether or not there is, or has been, any such contravention or non-compliance.

(5) If any order made under this Regulation is contravened or not complied with in the case of any premises, vehicle or vessel, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle or the master of the vessel, as the case may be, shall be guilty of an offence against this Regulation:

Provided that, in any proceedings which by virtue of this paragraph are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

(6) Any person authorized by the Minister of Pensions and National Health to act under this Regulation may cause any whistle, siren or other apparatus for making sound which is situated in any premises to be used in such manner as the Minister of Pensions and National Health may determine to be appropriate for indicating the imminence or occurrence of hostile attack, or the cessation of danger therefrom.

(7) Any order issued in pursuance of this Regulation may extend to exercises and tests for the purpose of perfecting the organization necessary for and facilitating the taking of the measures and steps set out in this Regulation.

(8) Notwithstanding anything to the contrary contained in this Regulation, any Order made by the Minister of Pensions and National Health which may affect, or in any way relate to, the Naval, Military or Air Services, shall only be made with the concurrence of the Minister of National Defence, the Minister of National Defence for Naval Services, or the Minister of National Defence for Air, as the case may be.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing provisions of the Government Employees Compensation Act to be applicable to employees in the United States

P.C. 142/4015

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 5th June, 1941.

The Board had under consideration a memorandum from the Honourable the Minister of Transport reporting:—

“That a number of employees of the Department of Munitions and Supply, Allied War Supplies Corporation, and certain other companies, corporations and agencies engaged in producing, dealing in, storing or having control of munitions of war or supplies, or constructing or carrying out any defence project, within the meaning of the Department of Munitions and

Supply Act, as agent of His Majesty in right of the Government of the United Kingdom and/or the Government of Canada, and under the supervision of the said Department and/or Allied War Supplies Corporation, hereinafter referred to as "such employees", may be required in the course of their employment to proceed to and perform work or obtain training in the United States of America;

That by Order in Council, P.C. 1266, of the 20th of February, 1941, the provisions of the Government Employees Compensation Act were made applicable, under certain conditions, to employees engaged in Canada by or on behalf of His Majesty in right of the Government of the United Kingdom;

That the Government Employees Compensation Act applies only to accidents which occur in a province of Canada;

That it is deemed expedient to extend the application of the said Act to such employees while so employed in the United States of America.

The Undersigned, therefore, on the advice of the Deputy Minister of Transport, recommends that Your Excellency in Council, pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, be pleased to order that the provisions of the Government Employees Compensation Act shall apply to any of such employees who are caused personal injury by accident arising out of and in the course of their employment while performing work or obtaining training in the United States of America and to the dependents of any such employee whose death results from such an accident, as if such accident had occurred within the province in which the employee is ordinarily resident, notwithstanding the length of time the employee is so employed in the United States of America."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

**Order in Council amending the National War Services Regulations, 1940
(Recruits) (Consolidation 1941)—alternative training, service
or work for conscientious objectors**

Canada Gazette (Extra) 20th June, 1941

P.C. 4019

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of June, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 20 of the National War Services Regulations, 1940 (Recruits) empowers the National War Services Boards to require persons entitled to postponement of military training, either as Mennonites or as Doukhobors, or as having been found by a Board to object conscientiously to bearing arms or to undertaking combatant service, to report for alternative training, service or work;

And whereas in order to provide such alternative training, service or work, it is deemed necessary to make certain amendments to the said Regulations.

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services, and under and by virtue of the provisions of The National Resources Mobilization Act, 1940,

the War Measures Act, and The Supplementary 1940 War Appropriation Act, is pleased to amend the National War Services Regulations, 1940 (Recruits) (Consolidation 1941), established by Order in Council P.C. 1822, of 18th March, 1941 and they are hereby amended as follows:

1. Section 20 of the said Regulations, is revoked and the following substituted therefor:

20. (1) Notwithstanding anything contained in the next two preceding sections, the Board of its own motion or on application made by the Minister or any person representing the Minister, in the case of any person

- (a) with respect to whom it has been determined under the provisions of subsection 3 of Section 17 or subsection 4 of Section 18 of The National War Services Regulations, 1940, as made by Order in Council, P.C. 4185, dated August 27, 1940, or under the provisions of subsection 3 of Section 18 or subsection 4 of Section 19 of these Regulations that he is entitled to postponement of his military training, or who is described by subsection 1 of Section 18 of these Regulations and has not been directed to report for medical examination or having been directed by the Board to report for medical examination has failed to do so; and
- (b) whose age class has been called out for military training at any time since August 27, 1940,

may from time to time direct that such person be required to report to carry out such alternative training, service or work as the Board or the Minister may direct during a period to be fixed by the Board not exceeding four months, unless it is established that he is not medically fit for such training, service or work.

(2) The Divisional Registrar, or some person designated by him, shall, upon receipt of such a direction from the Board, require the person referred to therein, by notice sent by registered post, to report, from time to time in accordance with such direction or such further direction of the Board or the Minister as may be provided for therein. The Divisional Registrar may direct personal service of such notice in lieu of service by registered post.

(3) Every man required to report pursuant to the provisions of this section shall comply with any notice which may be sent to him from time to time by the Divisional Registrar or person designated by him, and shall live in such place under such circumstances, and undergo or perform, such alternative training, service or work as may be required of him. Training so undergone or service or work so performed shall be in lieu of military training for a like period.

(4) Any person undergoing or performing such training, or service or work shall receive remuneration at the rate of fifty cents per day but no clothing. The Minister may increase the said allowance in the case of men selected as strawbosses in the said camps to seventy-five cents per day, and in the case of men appointed to act as foremen to \$1.00 per day.

(5) In the case of any man who has not been required by the Board to submit to medical examination prior to his order to report or who has not submitted to medical examination as provided by these Regulations, he shall be assumed to be medically fit to perform such alternative training, service or work, and the Crown shall not be liable for any claim arising out of the disability, illness or death of such person.

(6) The Minister may enter into an agreement with any other Minister of the Crown in right of Canada or any Minister of the Crown in right of any province of Canada whereby such other Minister agrees to arrange for the organization and operation of a camp or camps or other place or places where persons may be required to report and carry out alternative training, service or work pursuant to the provisions of this section; and without limiting the generality of the foregoing such agreement may provide for:

- (a) payment of, or reimbursement for, all or any part of the cost of operating such place or places out of the Consolidated Revenue Fund, from the War Appropriation; and such cost may include any necessary capital outlay, rental of premises or equipment, cost of food and other supplies, the remuneration provided for by subsection 4 of this section, cost of tobacco, clothing and other goods to stock canteens, and salaries for necessary officers and employees;
- (b) employment of necessary officers and employees;
- (c) the nature of the training, service or work to be carried out and conditions under which it shall be carried out;
- (d) living conditions to prevail in such place or places;
- (e) medical attention to be provided for persons required to attend such place or places; and

notwithstanding the provisions of the Civil Service Act, such agreement may provide that the necessary officers and employees for such place or places may be employed by some person designated therein on such terms as may be therein provided for.

(7) Any person who is, pursuant to an agreement made under the provisions of subsection 6 of this section, placed in charge of a camp or other place shall have authority to give to persons required to report to such place pursuant to the provisions of this section, and to delegate to others authority to give to such persons, all orders reasonably necessary for discipline in such place or for the proper carrying out of the training service or work required to be carried out by persons so required to report to such place.

(8) The Minister may, either by an agreement made pursuant to the provisions of subsection 6 of this section or by a separate order, prescribe rules for the regulation,

- (a) of any place to which persons are required to report under this section and of the conduct of all persons required to report to such place pursuant to the provisions of this section, or
- (b) of the carrying out of the training, service or work required to be carried out in such place.
- (9) Every man required to report pursuant to the provisions of this section
 - (a) who fails or refuses to report at the time specified by, and in accordance with the terms of, any notice sent to him by the Divisional Registrar, or
 - (b) who leaves the place referred to in such notice without lawful authority, or
 - (c) fails to comply with any rule made pursuant to the provisions of subsection 8 of this section, or
 - (d) who fails to obey any order lawfully given pursuant to the authority contained in subsection 7 of this section,

shall be guilty of an offence and liable upon summary conviction to imprisonment for a term not exceeding twelve months with or without hard labour, or to a fine not exceeding \$200 and not less than \$50, or to both such imprisonment and such fine.

(10) Every man required to report pursuant to the provisions of this section shall, during the time he is carrying out the alternative training, service or work, be entitled to receive benefits under the Government Employees Compensation Act, chapter 30 of the Revised Statutes of Canada, 1927, as though he were an "employee" as defined by that Act.

(11) The provisions of these regulations relating to the calling out of men for military training shall apply to the calling out of any persons under the next two preceding sections as if such provisions were here re-enacted *mutatis mutandis* and made applicable as aforesaid.

2. Section 32 of the said regulations is amended by adding the words "Section 20 of these regulations or" at the end of the first line thereof.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council providing for Industrial Disputes Inquiry Commission

P.C. 4020

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of June, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that the extension of the Industrial Disputes Investigation Act to war industries has necessarily resulted in a marked increase in the number of applications for Boards of Conciliation and Investigation; and

That a number of such applications may have reference to disputes of a nature *prima facie* as not to warrant the appointment of a Board of Conciliation and Investigation;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act (Chap. 206, R.S.C., 1927) is pleased to order and it is hereby ordered as follows:—

1. When in any industry to which the Industrial Disputes Investigation Act, as extended by P.C. 3495 and P.C. 1708, applies, a strike or lockout has occurred or seems to the Minister of Labour to be imminent and whether or not a Board of Conciliation and Investigation has been applied for and whether or not either of the parties to the dispute has submitted a declaration that, failing an adjustment of the dispute, a lockout or strike will be declared, and whether or not authority to declare such lockout or strike has been obtained, as required by Section 16 (2) of the Industrial Disputes Investigation Act, the Minister of Labour may refer the dispute to a tribunal to be designated as An Industrial Disputes Inquiry Commission, which shall make a preliminary investigation into the dispute promptly and, if a mutually satisfactory adjustment is not arrived at, shall advise the Minister on the matters at issue and whether the circumstances warrant the appointment of a Board of Conciliation and Investigation under the provisions of the Industrial Disputes Investigation Act, provided, however, that the Commission shall not offer any opinion as to the merits or substantial justice of such features of the case as may have to be submitted to a Board of Conciliation and Investigation.

2. An Industrial Disputes Inquiry Commission shall consist of three members appointed by the Minister of Labour to act as Commissioners under the provisions of the Inquiries Act, and may in the above circumstances inquire into any such dispute, lockout or strike or into any matters or circumstances connected therewith referred to such Commission by the Minister.

3. The members of an Industrial Disputes Inquiry Commission shall be remunerated for their services in accordance with the provisions of Section 52 of the Industrial Disputes Investigation Act.

4. All charges and expenses incurred by the Government in connection with the administration of these provisions shall be defrayed out of the appropriations provided by Parliament for the administration of the Industrial Disputes Investigation Act.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending Defence of Canada Regulations—mining of coal “essential service”

Canada Gazette, 12th July, 1941

P.C. 4061

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of June, 1941.

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas sub-paragraph (d) of paragraph (1) of Regulation 2 of the Defence of Canada Regulations provides, *inter alia*, that essential services means such services as may be declared by the Governor in Council to be essential for the prosecution of the war or to the life of the community;

And Whereas the Minister of Justice reports that it has been represented to him that a declaration to the effect that all undertakings for the mining of coal are essential to the prosecution of the war or to the life of the community would enable the civil authorities to enforce the provisions of the Defence of Canada Regulations relating to trespassing or loitering and those Regulations which prohibit the doing of any act with intent to impair the efficiency or impede the working of any undertaking engaged in the performance of such services.

Therefore, His Excellency the Governor General in Council, with a view to assisting the civil authorities in the enforcement of the Defence of Canada Regulations, is pleased, on the recommendation of the Minister of Justice, to declare and doth hereby declare all undertakings for the mining of coal to be essential services within the meaning of sub-paragraph (d) of paragraph (1) of Regulation 2 of the Defence of Canada Regulations.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing the Minister of Munitions and Supply to purchase for the Government of India

P.C. 4101

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 10th day of June, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas paragraphs (a) to (g), inclusive, of subsection (1) of Section 6 of the Department of Munitions and Supply Act provide as follows:—

“6. (1) The Minister may,

- (a) buy or otherwise acquire, manufacture or otherwise produce, finish, assemble, store and transport, and sell, exchange or otherwise dispose of, munitions of war and supplies;
- (b) repair, maintain and service munitions of war and supplies;
- (c) construct or carry out defence projects and sell, exchange or otherwise dispose of the same;
- (d) purchase or otherwise acquire and sell, exchange or otherwise dispose of, any real or personal property or any interest therein which in the opinion of the Minister is or is likely to be necessary or desirable for the carrying out of any of the powers conferred upon the Minister by this Act, or by the Governor in Council;

- (e) mobilize, control, restrict or regulate to such extent as the Minister may, in his absolute discretion, deem necessary, any branch of trade or industry in Canada or any munitions of war or supplies;
- (f) with the specific or general authorization of the Governor in Council, from time to time, make, issue, amend and repeal all such orders, rules, regulations, permits and licences, as the Minister, in his discretion, may consider necessary or expedient for the exercise of any of the powers conferred upon him by this Act or by the Governor in Council and any such order, rule, regulation, permit or licence may be of general or particular application and failure to comply therewith shall constitute an offence under this Act;
- (g) if authorized by the Governor in Council, exercise any of the powers contained in paragraphs (a) to (f), both inclusive, of this subsection for or on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, whether at the instance of or through the medium of the British Supply Board or otherwise and for or on behalf of any other of His Majesty's Governments or for or on behalf of the Government of the Republic of France or for or on behalf of the Government of any allied or associated power;"

And Whereas the Government of India (hereinafter sometimes referred to as "the Government") has requested, in effect, that the Minister of Munitions and Supply may be authorized to exercise, from time to time, any of the powers contained in paragraphs (a) to (f), both inclusive, of said subsection (1) of Section 6 for or on behalf of the Government;

And Whereas, for the more efficient prosecution of the war, it is deemed desirable that the Minister of Munitions and Supply should be authorized accordingly.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and under and by virtue of the powers conferred by the Department of Munitions and Supply Act and the War Measures Act, is pleased to authorize and doth hereby authorize the Minister of Munitions and Supply to exercise, from time to time, any of the powers contained in paragraphs (a) to (f), both inclusive, of subsection (1) of Section 6 of the Department of Munitions and Supply Act for or on behalf of the Government of India; provided that if the said Government shall request the Minister of Munitions and Supply to make payments for or on behalf of the said Government, the financial and accounting arrangements to be entered into shall be such as may be approved by the Minister of Finance.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending P.C. 2584—Civil Servants on Active Service
P.C. 2/4209

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 12th June, 1941.

The Board recommend that Order in Council of September 7, 1939, P.C. 2584, be amended by providing under Section 4 (b) as follows:

"Provided, however, that a temporary employee who has been assigned from a duly established eligible list shall be eligible to return to his civil position if, in the meantime, his name has been reached on the said

eligible list for permanent appointment which may or may not then be finally completed, at the discretion of the employing department. If it is not then completed, the permanent position shall be held for the absent employee until it is certain that it will not be required for his appointment."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations governing pensions granted to Canadian fishermen and to the personnel of ships of Canadian registry

P.C. 10/4209

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 12th June, 1941.

The Board had under consideration the following memorandum from the Honourable the Minister of Pensions and National Health:

"The undersigned has the honour to report that under Order in Council P.C. 3359, dated the 10th of November, 1939, provision was made for the payment of pensions to such persons employed in ships of Canadian registry or licence and such Canadian salt-water fishermen, as in the pursuit of their callings, suffer disability or death as the result of enemy warlike action or counter-action taken against the same.

That representations have now been made by responsible authorities that the said regulations should be amended as follows:—

(a) in respect of the rate of pension at present payable to oriental seamen, not domiciled in Canada,

(b) in respect of the rate of pension at present payable to coloured seamen, not domiciled in Canada,

(c) in respect of the rate of pension at present payable to senior wireless operators of long service,

(d) in respect of the rate of pension at present payable to persons who, under the same circumstances, may have received an award under the provisions of any provincial Workmen's Compensation Act, and

(e) in respect of the classes of dependents to whom pensions may be paid.

The undersigned is of the opinion that such amendments are necessary and has, therefore, the honour to recommend that Your Excellency in Council, under and by virtue of the War Measures Act, (Chapter 206, R.S.C., 1927), and, notwithstanding anything to the contrary contained in the Pension Act or in any other Act or Regulation, be pleased to approve the rescission of the Regulations made under Order in Council P.C. 3359, dated the 10th of November, 1939, and the substitution of the following therefor:

1. For the purposes of these regulations, the following expressions shall, unless a contrary intention appears, have the meanings stated below:—
 - (a) 'war with the German Reich' has the same meaning as in the Pension Act (Chapter 157, R.S.C. 1927, as amended);
 - (b) 'ship' includes every description of vessel used in navigation not propelled by oars;
 - (c) 'ship in foreign trade' means a ship employed on foreign voyages within the meaning of the Canada Shipping Act, 1934;
 - (d) 'ship in home trade' means a ship engaged in home trade voyages within the meaning of the Canada Shipping Act, 1934;

- (e) 'ship trading in inland or minor waters' means a ship employed on an inland voyage or a minor waters voyage within the meaning of the Canada Shipping Act, 1934;
- (f) 'Canadian salt-water fishermen' means a British subject employed upon a fishing vessel or boat engaged in the fishing industry of Canada in tidal waters.
2. Subject to the provisions of these regulations pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the Pension Act for members of the Naval Forces of Canada to or in respect of all persons who, while serving upon any ship of Canadian registry or licence, and to or in respect of all Canadian salt-water fishermen who, while serving upon any ship engaged in the Canadian salt-water fishing industry during the war with the German Reich, suffer disability or death as a direct result of enemy warlike action or of counter-action taken against the same.
3. The rate of pension payable to or in respect of a person or fisherman in the regulation next preceding mentioned shall be the rate set forth in Schedule A or B as the case may be of the Pension Act applicable to the rank or rating of the Naval Forces of Canada set opposite the rank or qualification of such person or fisherman in the following table:—

(1) *Pensions for Personnel of Ships of Canadian Registry or Licence*

<i>Rank</i>	<i>Scale of Pension</i>
(a) Ship in Foreign Trade *	
(i) Master	Commander
(ii) Chief Officer	Lieutenant-Commander
(iii) Chief Engineer	Commander
(iv) Second Engineer	Lieutenant-Commander
(v) Other Navigating and Engineer Officers	Lieutenant
Purser	
Surgeon	
Chief Steward	
Wireless Officer of 10 years or more seniority	
(vi) All other officers	Sub-Lieutenant

** The provisions of the Canada Shipping Act, 1934, and Regulations made thereunder, will determine the class of vessel, the nature of the trade in which the vessel is engaged and the status of the members of the crew.*

<i>Rank</i>	<i>Scale of Pension</i>
(b) Ship in Home Trade *	
(i) Master	Lieutenant
(ii) All other officers	Sub-Lieutenant
(c) Ship in Inland and Minor Waters Trade *	
(i) Master	Lieutenant
(ii) All other officers	Sub-Lieutenant
(d) All trades	
(i) All other members of the crew (except Orientals and coloured seamen not domiciled in Canada within the meaning of the Immigration Act)	Able Seaman

Rank	Scale of Pension
(ii) Orientals not domiciled in Canada within the meaning of the Immigration Act.....	A proportion of pension applicable to an able seaman as judged adequate by the Canadian Pension Commission, or a lump sum which in the opinion of the Canadian Pension Commission is the equivalent thereof.
(iii) Coloured seamen not domiciled in Canada within the meaning of the Immigration Act.....	A proportion of pension applicable to an able seaman as judged adequate by the Canadian Pension Commission.
(e) <i>Pilots</i>	
(i) Licensed Pilots	Lieutenant
(ii) Licensed Apprentice Pilots...	Sub-Lieutenant
(2) <i>Pensions for Canadian Salt-Water Fishermen</i>	
(a) Master of Fishing boats of 60 registered tons or over.....	Lieutenant
(b) Master of other fishing boats.....	Sub-Lieutenant
(c) Other members of the crew.....	Able Seaman
4. The provisions of the Pension Act, Chapter 157 of the Revised Statutes of Canada, 1927, as amended, governing pensions to dependents shall apply to persons claiming under these regulations.	
5. No pension shall be payable under these regulations unless application is made therefor within one year after the occurrence of the death or incurrence of the injury resulting in disability on account of which pension is claimed.	
* <i>Provisions of the Canada Shipping Act, 1934, and Regulations made thereunder, will determine the class of vessel, the nature of the trade in which the vessel is engaged and the status of the members of the crew.</i>	
6. A claim by any person in respect of a disability or death for which pension is payable under these regulations caused under circumstances by reason of which claim for compensation may be made under any provincial Workmen's Compensation Act or legislation of a similar character, supported by evidence satisfactory to the Canadian Pension Commission to the effect that the claimant has not theretofore made any claim under such Workmen's Compensation Act or other similar legislation, shall be dealt with and adjudicated upon by the Commission and, if pension be awarded, the same shall be payable upon receipt by the Commission of waiver in form approved by it of all claims the claimant might have under the provincial legislation arising from such disability or death.	
7. All claims for pension under these regulations shall be dealt with and adjudicated upon by the Canadian Pension Commission in like manner and to all intents and purposes as though such claims were claims under the Pension Act and the person or fisherman by or in respect of whom	

application for pension is made was, at the time the injury resulting in his disability or death was sustained, a member of the forces as defined by such Act and all provisions of the Pension Act which are not inconsistent with these regulations shall apply to every such claim.

8. All payments required to be made under these regulations shall be made from the War Appropriation vote of Parliament."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing compensation for fishermen and personnel
of Canadian ships in consequence of capture or
internment in a foreign country**

P.C. 12/4209

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by His Excellency the Governor General in Council, on the
12th June, 1941.*

The Board had under consideration a memorandum from the Honourable the Minister of Transport reporting:—

"That the Committee on War Risks Insurance and Bombardment Compensation has had under consideration the matter of the payment of compensation to or in respect of personnel of ships of Canadian Registry or Licence and persons of Canadian Nationality employed upon fishing vessels or boats engaged in the fishing industry of Canada in tidal waters, for loss occasioned by the discontinuance, in whole or in part, of the remuneration for employment of which they were theretofore in receipt, in consequence of their detention resultant from capture or internment in a foreign country;

That the said Committee, in a report dated March 7th, 1941, recommends, in the light of the considerations therein set out, that the loss sustained by the persons referred to, in the circumstances mentioned, be regarded as falling upon the community as a whole, and as constituting a proper charge against public funds, and that the rates and mode of payment be established as set out in the said report.

The undersigned, therefore, with the concurrence of the Minister of Pensions and National Health and the Minister of Fisheries, recommends that, under and by virtue of the War Measures Act, being Chapter 206 of The Revised Statutes of Canada, 1927, Your Excellency in Council be pleased to order,—

1. That compensation by way of detention allowance may be awarded to the personnel of ships of Canadian Registry or Licence and persons of Canadian nationality employed upon fishing vessels or boats engaged in the fishing industry of Canada in tidal waters, for loss occasioned by the discontinuance, in whole or in part, of the remuneration for employment of which they were theretofore in receipt, in consequence of their detention resultant from capture or internment in a foreign country, the compensation, in each case, to be in such sum and such sum only as shall assure the continued receipt by or on behalf of the person during the period of his detention of the remuneration theretofore paid to or in respect of him by his employer; in the case, however, of a fisherman engaged upon a proceeds-sharing basis, such allowance

shall be a sum equivalent to a due proportion of his earnings from such engagement over the preceding twelve months;

2. That award and payment of detention allowances be effected by the Canadian Pension Commission upon essential official information provided the said Commission to that end by the Department of External Affairs or other appropriate Department, such Department being responsible for the due provision of the information in question;
3. That the said Commission be authorized to pay to the dependents of the person to whom such allowance is awarded such portion of the amount awarded as detention allowance in any case as they in their discretion deem suitable and to retain the balance of such amount to be paid to such person or to his personal representatives after the end of the period of detention in respect of which the detention allowance is awarded.
4. That the payment of such detention allowances be made retroactive to September 10th, 1939."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending regulations, Special Products Board

Canada Gazette 19th July, 1941

P.C. 4211

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of June, 1941.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, by Order in Council dated the 15th day of April, 1941, P.C. 2520, made under the authority of the War Measures Act, the Special Products Board was established and regulations respecting the marketing and export of certain products of agriculture were made;

And whereas, it is deemed desirable and expedient to extend the powers of the Special Products Board to enable it to prohibit any Special Product being placed in any kind of storage or warehouse in Canada, in order that such product may be available to the Board to meet any requirements of the United Kingdom Ministry of Food for such product;

And whereas it is also deemed desirable and expedient that any amendment of the said regulations shall be effective from the date of approval thereof by the Governor General in Council rather than from the date of publication in the *Canada Gazette* as now provided, and that any order of the Board shall be immediately effective.

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, and under the authority of the War Measures Act, is pleased to amend and doth hereby amend the said regulations as follows:

1. Clause 4 (1) of the said regulations is amended by adding thereto the following as paragraph (n)

"(n) to prohibit, for such period of time as it may deem necessary, any Special Product being stored in any kind of storage or warehouse in Canada."

2. Clause 9 of the said regulations which reads as follows:

"(1) These Regulations shall come into force on the date of approval and any subsequent regulations or any amendment or repeal of any regulation shall come into force upon publication in the *Canada Gazette*.

(2) Any order of the Board shall be effective from the date of publication in the *Canada Gazette*."

is hereby revoked and the following substituted therefor:

"9. (1) These Regulations and any amendment thereof, shall be published in the *Canada Gazette*.

(2) Any order of the Board shall be effective on and from the date thereof and shall be published in the *Canada Gazette*."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council authorizing transfer C.B.C., National Film Board and Canadian Travel Bureau to Department of National War Services

P.C. 4215

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of June, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Department of National War Services Act 1940 (4 George VI, Chapter 22, Section 5, sub-section d), provides that the Minister may, with the consent of the Governor in Council "co-ordinate the existing public information services of the Government and originate or employ other means in order that the same may be used in the most efficient way for the obtaining of the utmost aid from the people of Canada in the National emergency which has arisen";

And whereas, in the interests of the war effort it is expedient to provide for the more effective co-ordination of radio broadcasting, film activities, and the promotion of tourist business in Canada, with other public information services of the government;

And whereas, for this purpose it is expedient to transfer to the Minister of National War Services the powers, duties and functions vested in the Minister of Munitions and Supply with respect to broadcasting, in the Minister of Trade and Commerce with respect to film activities, and in the Minister of Transport with respect to the promotion of tourist business in Canada, and to transfer the control and supervision of the Canadian Travel Bureau to the Department of National War Services;

Therefore His Excellency the Governor General in Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, and under and by virtue of the provisions of the Public Service Re-Arrangement and Transfer of Duties Act (Revised Statutes of Canada, 1927, Chapter 165) and of the War Measures Act (Revised Statutes of Canada, 1927, Chapter 206), is pleased to order as follows:

1. The powers, duties and functions vested (by Order in Council P.C. 3076, 8th July, 1940) in the Minister of Munitions and Supply under The Canadian Broadcasting Act, 1936, with respect to broadcasting, are hereby transferred to the Minister of National War Services.

2. The powers, duties and functions of the Minister of Trade and Commerce, with respect to film activities, under the National Film Act, 1939, are hereby transferred to the Minister of National War Services.

3. The powers, duties and functions of the Minister of Transport, with respect to the promotion of tourist business in Canada, are hereby transferred to the Minister of National War Services, and, to that end, the control and supervision of that branch of the Department of Transport known as The Canadian Travel Bureau, is hereby transferred to the Department of National War Services.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing regulations re certificates of masters, mates
or engineers on Canadian registered ships**

Canada Gazette, 5th July, 1941

P.C. 4306

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of June, 1941.

PRESENT:

The Deputy of
His EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Transport reports that, owing to the increased scarcity of persons holding certificates as master, mate or engineer, it is deemed necessary to grant relief to the owners of ships by allowing the Minister of Transport to permit Canadian registered ships in certain cases to clear on voyages with masters, mates or engineers not holding appropriate certificates;

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the provisions of the War Measures Act, and notwithstanding anything contained in the Canada Shipping Act, 1934, or amendments thereto, is pleased to make and doth hereby make the following Regulations, effective from the 15th day of April, 1941, and until six months after the end of the present war.

Regulations

1. Subject to the provisions of regulation 5 of these Regulations, the Minister of Transport may grant permission to any Canadian registered ship to clear on a voyage even though the master or mate of any such ship has a certificate of a grade lower than that required by the Canada Shipping Act, 1934, and also may grant permission to an uncertificated mate to act in a position where a certificated mate or second mate is required by that Act, provided that in each case the master or mate concerned is found competent so to act by an Examiner of Masters and Mates.

2. Subject to the provisions of regulation 5 of these Regulations, the Minister of Transport may grant permission to Second, Third or Fourth Class engineers to act on any ship as First, Second or Third Class engineer, respectively, provided an Examiner of Engineers is satisfied that such engineer is competent so to act.

3. Subject to the provisions of regulation 5 of these Regulations, the Minister of Transport may grant permission to a Fourth Class engineer, or an uncertificated engineer, to act where a Second Class engineer is required under the provisions of paragraph (a) of subsection (1) of Section 114 of the Canada Shipping Act, 1934, provided an Examiner of Engineers is satisfied that such engineer is competent so to act.

4. Subject to the provisions of regulation 5 of these Regulations, the Minister of Transport may grant permission to an uncertificated engineer to take charge of a regular watch in the engine-room of a ship if the chief engineer is one holding an appropriate certificate granted under the provisions of the Canada Shipping Act, 1934, or a permit granted under the provisions of regulation 2 of these Regulations, provided an Examiner of Engineers is satisfied that such engineer is competent so to act.

5. The permission which the Minister may grant under the provisions of regulations 1, 2, 3 and 4 of these Regulations is subject to the Minister being satisfied that properly certificated masters, mates or engineers, as the case may be, cannot be procured.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

**Order in Council amending Canada Shipping Act—certificates
of competency**

Canada Gazette 12th July, 1941

P.C. 4307

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of June, 1941.

PRESENT:

THE DEPUTY OF

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 5644 of the 15th day of October, 1940, made under the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927 it was ordered that any subject or former subject of such a foreign state as may be approved by an order made by the Minister of Transport, may be authorized by or on behalf of the said Minister to act as master or officer of any grade of a British ship registered in Canada or of a Government ship, as defined in the Canada Shipping Act, 1934, and not registered, if the said Minister is satisfied that such person is competent to act in that capacity and that any such person, authorized as aforesaid, shall, while acting in pursuance of the authorization, be deemed for the purposes of section 113 of the Canada Shipping Act, 1934, to hold a certificate of competency under the said Act of the appropriate grade;

And whereas the Minister of Transport reports that it is considered desirable that the employment of officers holding foreign certificates of competency, as provided under the said Order in Council, be limited to foreign-going ships and home-trade ships;

That doubt has arisen as to whether the said Order in Council applies to engineers and to registered Government ships, and that it is considered desirable that the said Order in Council be amended;

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and under the provisions of the War Measures Act and notwithstanding anything contained in the Canada Shipping Act, 1934, or any other Act, is pleased to amend and doth hereby amend Order in Council P.C. 5644 of the 15th day of October, 1940, to provide that any subject or former subject of such a foreign state, as may be approved by an order made by the Minister of Transport, may be authorized by or on behalf of the said Minister to act as master or mate of a foreign-going or a home-trade ship, required by section 113 of the Canada Shipping Act, 1934, to be provided with certificated masters and mates, or as engineer of a foreign-

going or home-trade steamship, required by section 114 of the said Act to be provided with certificated engineers, or as master, mate or engineer of a Government ship as defined in the said Act whether or not registered, if the said Minister, or any person authorized by him for the purpose, is satisfied that such subject or former subject is competent to act in that capacity; and that any such subject or former subject, authorized as aforesaid, shall, while acting in pursuance of the authorization, be deemed for the purposes of the Canada Shipping Act, 1934, to hold a certificate of competency of the appropriate grade under the said Act.

The Deputy of His Excellency in Council, on the same recommendation, is further pleased to order and doth hereby order and direct that the said Order in Council P.C. 5644 of the 15th day of October, 1940, shall be construed as from the date thereof in accordance with the provisions hereof.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending P.C. 3481 (prohibiting the erection of certain types of buildings except under permit)

P.C. 4320

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of June, 1941.

PRESENT:

**THE DEPUTY OF
HIS EXCELLENCY**

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council 3481 of 16th May 1941, the installation of new equipment, the construction of new buildings or the making of repairs to buildings at a cost exceeding the limits fixed in such Order in Council, is prohibited after the 29th day of April 1941, unless a licence for the same be obtained from the Priorities Officer appointed by Order in Council P.C. 1169 of 20th February 1941;

And whereas it is deemed advisable to exclude from the operation of the said Order in Council P.C. 3481, as from the 16th day of May 1941, churches, public hospitals, educational institutions and any buildings directly or indirectly financed or operated by any provincial government.

Now therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply and the Minister of Finance and under and by virtue of the powers conferred on the Governor in Council by The Department of Munitions and Supply Act, and by the War Measures Act, is pleased to amend and doth hereby amend the said Order in Council P.C. 3481 of 16th May 1941, by adding to Section 1 thereof two additional paragraphs as follows,—

- (A) To subsection (a) of the said Section 1 the following subparagraph (v) is added:
 - (v) any church, public hospital or educational institution or any building the erection, maintenance or operation of which is directly or indirectly financed by, or which is operated under the control or supervision of, the government of any province of Canada.
- (B) To subsection (b) of the said Section 1 the following subparagraph (v) is added:
 - (v) are for use in any church, public hospital or educational institution, or in any building the erection, maintenance or operation of which is directly or indirectly financed by, or which is operated under the control or supervision of, the government of any province of Canada.

The Deputy of His Excellency in Council, on the same recommendation, is further pleased to order and it is hereby ordered that the amendments to the said Order in Council P.C. 3481 hereinbefore set out shall be deemed to have had effect on and after the 16th day of May 1941.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing further control of exportation of
certain articles**

Canada Gazette (Extra) 20th June, 1941.

P.C. 4366

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of June, 1941.

PRESENT:

The Deputy of
His EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Trade and Commerce reports that it is considered desirable that steps should be taken to provide for the control of the exportation from Canada of certain articles, in addition to those enumerated and described in Schedule One of P.C. 2448 of April 8th, 1941, deemed capable of being converted into or made useful in the production of arms, ammunition or military, naval and air stores, in order to carry out more effectively the Regulations respecting Trading with the Enemy, 1939, and to conserve supplies of commodities required for Canadian and United Kingdom requirements.

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce, and under and by virtue of the power vested in the Governor General in Council by Section 290 of the Customs Act (Section 10, Chapter 24 of the Statutes of 1937), and by the War Measures Act (Chapter 206 R.S.C. 1927) is pleased to order and doth hereby order as follows:

1. Schedule one of Order in Council P.C. 2448 of April 8th, 1941, is hereby revoked and in place thereof Schedule one attached hereto is substituted, enumerating and describing the articles which no person shall export without first having obtained a permit issued by or on behalf of the Minister of Trade and Commerce.

2. This Order shall be effective on and after the thirtieth day of June, one thousand nine hundred and forty-one.

3. In all other respects the said Order in Council, P.C. 2448, of April 8th, 1941, is hereby confirmed, and, as hereby amended, shall continue in full force and effect.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

NOTE.—Schedule published as an Extra of the *Canada Gazette*.

Order in Council establishing control of production and shipments of
canned salmon

P.C. 4373

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of June, 1941.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Fisheries reports that as a result of preliminary negotiations between officials of the British and Dominion Governments it has been indicated that the British Government will seek the assistance of the Canadian Government in securing at least two-thirds of the Canadian pack of canned salmon produced during the 1941 fishing season;

That the British requirements are such as to leave the Canadian domestic and export markets, other than Great Britain, short of their normal requirements and it will be necessary to devise a scheme, either voluntary or compulsory, by which the British requirements can be guaranteed;

That to assist in the solution of the problem thereby presented, it will be necessary for Canadian Government officials to have a means of gaining information as to the amount of salmon produced as well as to its subsequent movements to various markets; and

That it will also be necessary for the said officials to have some means of controlling the Canadian consumption of canned salmon produced in the 1941 fishing season so that the British requirements may be accumulated.

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under and by virtue of the power conferred upon the Governor in Council by the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows,—

- (1) All companies engaged in the production of canned salmon in British Columbia shall report their production of canned salmon in such a manner and at such times as the Minister of Fisheries may from time to time indicate.
- (2) All shipments or transfers of parcels of canned salmon from Vancouver and/or Prince Rupert to any other place within Canada shall be accompanied by a certificate issued by duly authorized officers of the Department of Fisheries. Such certificate shall show the number of packages of canned salmon covered by it, the size of the cans used as containers, the variety of salmon contained and the names and addresses of the consignor and consignee. In the case of shipments made by a common carrier such certificate shall be attached to the waybill. In the case of shipment by other means of transportation, certificate shall accompany the shipment to its destination. Shipments or transfers of parcels of canned salmon from Vancouver and/or Prince Rupert to any other place within Canada not so accompanied by such certificates signed by duly authorized officers shall be liable to seizure and confiscation at the absolute discretion of the Minister of Fisheries.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending Timber Regulations

P.C. 4389

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 17th day of June, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 2716 of 24th June 1940, a Timber Controller was appointed and Regulations Respecting Timber were made and established whereby certain powers and duties were vested in or charged upon the Timber Controller;

And whereas by Order in Council P.C. 7155 of 7th December 1940, Loren Lewis Brown, Esquire was appointed Timber Controller;

And whereas the Minister of Munitions and Supply states that the Timber Controller reports that, in order to enable him fully and effectually to exercise and carry out the powers and duties vested in and/or charged upon him, it is necessary that he be given the further and additional powers hereinafter mentioned;

Now therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Munitions and Supply, and pursuant to the powers conferred on the Governor in Council by The Department of Munitions and Supply Act and by The War Measures Act, Chapter 206, R.S.C., 1927, is pleased to order that the said Order in Council P.C. 2716 of 24th June 1940, be and it is hereby amended as follows:

1. By renumbering section 4 of the Regulations Respecting Timber as section 5.
2. By adding the following section to the said Regulations as section 4.
4. Wherever herein the Timber Controller is given any power or charged with any duty in respect of timber, he may exercise such power or discharge such duty not only with respect to timber generally, as the same is hereinbefore defined, but also with respect to any kind or kinds, type or types, quality or qualities, grade or grades, class or classes of timber and/or with respect to timber grown and/or felled and/or sawn, planed or otherwise processed in any particular district or districts, area or areas, country or countries, and/or with respect to any part or quantity of any of such timber.

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

17th June 1941.

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To ALL To WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:—

A PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of Justice, Canada.

Whereas We, by and with the advice of Our Privy Council for Canada, proclaimed, by Our Proclamations bearing dates respectively the tenth day of September, in the year of Our Lord one thousand nine hundred and thirty-nine and the tenth day of June, in the year of Our Lord one thousand nine hundred and forty, that a state of war exists between Our said Dominion and the German Reich and Italy.

And whereas Our Dominion of Canada has voluntarily taken up arms to defend the rights and liberties of free peoples and to withstand the onward sweep of violence and aggression;

We, therefore, give expression to Our desire that Our people of Canada should set apart Sunday, the twenty-ninth day of June next, as a day of Special Dedication to National Service and Sacrifice, in order to safeguard the continued existence of Our civilization and to invoke the blessing of Almighty God upon Our just cause and to seek Divine Guidance by Humble Prayer and Intercession;

Now knew ye that We, by and with the advice of Our Privy Council for Canada, have thought fit to request and do by this Our Proclamation request, that the Archbishops, Bishops and other titular heads and the Clergy of all religious denominations throughout Canada, when they assemble in their respective Churches for divine service on Sunday, the Twenty-ninth of June, A.D. 1941, shall bring before Our people of Canada the duties of citizenship, the justice of Our cause and the need of Service and Sacrifice by all Our people for the preservation of Our civilization and for the bringing about of a lasting and righteous peace.

Of all which Our loving subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Dear Uncle, Our Right Trusty and Right Well-beloved Cousin and Counsellor, Alexander Augustus Frederick George, Earl of Athlone, Knight of Our Most Noble Order of the Garter, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Honourable Order of the Bath, Grand Master of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Companion of Our Distinguished Service Order, Colonel in Our Army (retired), having the honorary rank of Major-General, one of Our Personal Aides-de-Camp, Governor General and Commander-in-Chief of Our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this seventeenth day of June, in the year of Our Lord, One thousand nine hundred and forty-one and in the Fifth year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

Order in Council authorizing benefits under the Pensions Act to be applicable to civilian employees who suffer injury or death outside of Canada

P.C. 196/4417

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 18th June, 1941.

The Board recommend that authority be granted for payment of benefits to civilian employees of the Government of Canada who suffer injury or death outside of Canada in the present war with the German Reich, as defined in the Pensions Act, as the result of enemy action or counteraction taken against the enemy, subject to approval of the Canadian Pension Commission, as follows:

- (1) That all such employees, whether permanent or temporary, be granted special leave with pay for such periods of time as may be certified by a qualified medical practitioner and approved by the Canadian Pension Commission, but not exceeding a total of 180 days.
- (2) That all such employees, whether permanent or temporary, who have been or may hereafter be sent from Canada for employment outside of Canada, and who suffer death or injury by enemy action or counteraction taken against the enemy, be granted pension compensation, in accordance with statements A. and B. attached, which provide pension for disability of twenty per cent or more and hospitalization provided under the regulations of the Department of Pensions and National Health.
- (3) That the Canadian Pension Commission arrange that all such employees, whether permanent or temporary, employed in the United Kingdom, who do not qualify for benefits under paragraph (2) above and who are not eligible for benefits under the British Personal Injuries (Civilian) Scheme, be granted benefits under the latter and that the Dominion reimburse the British Government for such benefits.
- (4) That all such employees not contributors under the Civil Service Superannuation Act employed outside of Canada, who suffer death or who are totally incapacitated for employment as a result of enemy action or counteraction taken against the enemy, be granted gratuities payable to themselves or their dependents equal to one month's salary for each completed year of service, but not exceeding a maximum of twelve months' salary, in addition to the benefits provided under paragraph (2) or (3) above.

The benefits referred to above may be authorized from the date of disability or death. Such benefits shall be in addition to any benefits to which such persons or their dependents may be entitled under the provisions of the Civil Service Act, or the Civil Service Superannuation Act and shall be payable from the War Appropriation.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

SCHEDULE A
SCALE OF PENSIONS FOR DISABILITIES
PERCENTAGE OF DISABILITY, CLASS AND ANNUAL RATE

Status of Person:	Man or Woman	Additional pension for wife	Additional pension for first and each subsequent dependent child	Additional pension for dependent parents
	\$	\$	\$	\$
Class 1, 100%.....	600	240	120	120
Class 2, 99%-95%.....	570	228	114	114
Class 3, 94%-90%.....	540	216	108	108
Class 4, 89%-85%.....	510	204	102	102
Class 5, 84%-80%.....	480	192	96	96
Class 6, 79%-75%.....	450	180	90	90
Class 7, 74%-70%.....	420	168	84	84
Class 8, 69%-65%.....	390	156	78	78
Class 9, 64%-60%.....	360	144	72	72
Class 10, 59%-55%.....	330	132	66	66
Class 11, 54%-50%.....	300	120	60	60
Class 12, 49%-45%.....	270	108	54	54
Class 13, 44%-40%.....	240	96	48	48
Class 14, 39%-35%.....	210	84	42	42
Class 15, 34%-30%.....	180	72	36	36
Class 16, 29%-25%.....	150	60	30	30
Class 17, 24%-20%.....	120	48	24	24

SCHEDULE B
SCALE OF PENSION FOR DEATH

STATUS	ANNUAL RATE OF PENSION
Widow.....	\$480
Additional pension for first and each subsequent dependent child.....	120
Orphan child.....	240
Each subsequent orphan child, an additional.....	180
Dependent parents, if no widow or dependent children....	Such an amount not exceeding a widow's pension as is deemed adequate by the Commission.

Order in Council granting pensions to members of Canadian Auxiliary Services serving in the present war with the German Reich

P.C. 197/4417

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 18th June, 1941.

The Board recommend that the Canadian Pension Commission be authorized to award pension, subject to all the provisions of the Pension Act not inconsistent with this order, for injury or death suffered as a result of enemy action or counter-action taken against the enemy, by any member of the Canadian Auxiliary Services, who, with the approval and under the direction of the Adjutant General has proceeded from Canada to serve in any Canadian Auxiliary Service in the present war with the German Reich.

The rate of pension payable to the above mentioned personnel, shall be the rate set forth in schedules A and B of the Pension Act, as payable to or in respect

of a Lieutenant (Military); provided that the Adjutant General may certify that certain persons have carried on duties with responsibilities comparable with those of an officer of higher rank than that of Lieutenant (Military), in which case the rate of pension payable will be that set forth in the aforesaid Schedules as payable to or in respect of a Captain (Military).

Pensions awarded under this order shall be payable from the War Appropriation.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council amending P.C. 32/1905, 10th May, 1940, Civil Servants
—proportion of permanent employees**

P.C. 198/4417

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board;
approved by His Excellency the Governor General in Council, on the
18th June, 1941.*

The Board recommend that Order in Council of May 10th, 1940, (P.C. 32/1905) be amended by the substitution, for paragraph 13, of the following paragraph:

"13. On account of the circumstances referred to in paragraphs 4, 5 and 6 of this report, the proportion of permanents in each unit of the Public Service shall not exceed the percentage specified in the attached schedule, provided that where the total staff of a unit is five or less employees, the unit shall be exempt from this restriction. The basis of such percentage shall be the total staff as of September 30th, 1939, or as of the same date in succeeding years, whichever is the smaller."

A. D. P. HEENEY,
Clerk of the Privy Council.

Government Notice

23rd June, 1941.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA

To all to whom these Presents shall come or whom the same may in any-wise concern,

GREETING:

Whereas Regulation 15 of the Defence of Canada Regulations provides that the Secretary of State of Canada may make provision by Order for preventing or restricting the publication in Canada of matters as to which he is satisfied that the publication thereof would or might be prejudicial to the safety of the State or the efficient prosecution of the war, and that any such order may contain such incidental and supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of the order.

And whereas the undersigned is satisfied that the publication of the weekly newspaper entitled *La Voix du Peuple* printed in the French language by La Cie de Publication de St-Jérôme Ltée, and whose secretary is Mr. Gui L. Caron, Room 13, 254 St. Catherine Street East, Montreal, Quebec, is prejudicial to the safety of the State and the efficient prosecution of the war.

Now know ye that the undersigned, the Secretary of State of Canada, pursuant to the powers vested in him by Regulation 15 of the Defence of Canada

Regulations, doth hereby order that the publication of the French language weekly newspaper entitled *La Voix du Peuple* be prohibited.

Dated at the Department of the Secretary of State, at the City of Ottawa, this twenty-third day of June, in the year of Our Lord, one thousand nine hundred and forty-one.

PIERRE F. CASGRAIN,
Secretary of State.

**Order in Council amending agreement *re* Marketing of apples grown in
Okanagan Valley**

Canada Gazette (Extra) 30th June, 1941

P.C. 1/4600

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by The Deputy of His Excellency the Governor General in
Council, on the 25th June, 1941.*

The Board had under consideration a memorandum from the Honourable the Minister of Agriculture reporting:

"That under the authority of the War Measures Act, Your Excellency, by Orders in Council dated the 27th day of October, 1939, P.C. 3349, and the 7th day of September, 1940, P.C. 4493, approved agreements with respect to the marketing of apples grown in the Okanagan Valley of the Province of British Columbia during the years 1939 and 1940, respectively;

That by reason of the loss of export markets and other restrictions consequent upon the war, it is desirable and expedient to assist the growers of apples in the Okanagan Valley to market their 1941 crop;

That it is estimated, on the basis of the quantity of apples likely to be subject to the provisions of the agreement, the sum of \$1,000,000 may be required."

The Board concur in the above report and recommend approval of the attached agreement and the execution thereof by the Minister of Agriculture, and have approved of expenditures to a sum not exceeding \$1,000,000 for the said purpose, to be allotted by the Treasury Board from the War Appropriation from time to time as required.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Memorandum of Agreement entered into this day of June, A. D. 1941.

BETWEEN:

British Columbia Fruit Board, a body politic under the Natural Products Marketing (British Columbia) Act and having its head office in the City of Kelowna, in the Province of British Columbia, hereinafter called the "Board"

OF THE FIRST PART

AND

His Majesty, the KING, in right of Canada and herein represented by the Honourable the Minister of Agriculture, hereinafter called the "Minister"

OF THE SECOND PART

Whereas because of losses of export markets and other restrictions resulting from the war the Board is confronted as in the seasons of 1939 and 1940 with the practical impossibility of marketing a substantial portion of the apples grown in British Columbia in 1940 which normally would be marketed in countries at present in the war zone;

And whereas the Minister has been authorized under the War Measures Act to enter into an agreement with the Board to safeguard the growers in part against losses which otherwise seem inevitable;

Now Therefore in consideration of these presents the parties hereto covenant and agree each with the other as follows:—

1. (a) "schedule apples" means apples grown in the Okanagan Valley in the year 1941 of the varieties Delicious, Golden Delicious, Jonathan, McIntosh, Newtown, Northern Spy, Rome Beauty, Spitzenburg, Stayman, Wagener, Wealthy and Winesap, not more than 25,000 boxes of other varieties maturing later than Wealthy, and not more than 100,000 boxes of varieties maturing earlier than Wealthy, subject to grade and size specifications to be issued to the Board by the Minister not later than August 15, 1941;
- (b) "Okanagan Valley" means that part of the Province of British Columbia lying East of the 121st meridian of west longitude and south of the 51st parallel of north latitude.
2. The Board covenants and agrees—
 - (a) to market only schedule apples outside of the Okanagan Valley;
 - (b) to market schedule apples in Canada only at prices and in grades and packs authorized by the Minister;
 - (c) during the autumn months to feature in Western Canada the sale especially of the varieties Wealthy and McIntosh in the pack known commercially as face and jumble fill, Combination Fancy and "C" grade;
 - (d) to receive for the account of the growers or growers' agents all moneys paid by the Minister for apples under the terms of this Agreement;
 - (e) to conduct a pool for the distribution of all moneys paid by the Minister together with all moneys received from sales of apples and after deducting all necessary and proper disbursements and expenses and such compensation as may be determined by the Board for apples excluded from marketing, to make payment to the growers or the growers' agents in accordance with a scheme of distribution determined by the Board which shall be on the basis of like returns for apples of the same variety, grade, size, marketability and packing costs;
 - (f) to obtain the Minister's approval of storage charges to be levied against the pooled returns from sales;
 - (g) to maintain separate accounting records of all sales of schedule apples and all moneys received therefor together with such supporting vouchers as may be necessary for the purposes of an audit which may be required;
 - (h) to submit to the Minister for each calendar month and for the season a statement in detail of schedule and non-schedule apples received and marketed.
3. The Minister agrees to assist in the marketing of a maximum quantity of 4,600,000 boxes of schedule apples, less any quantity sold by the Board outside of Canada—
 - (a) by paying to the Board the sum or amount by which the total f.o.b. value of sales by the Board in Canada of schedule apples for fresh consumption at prices authorized by the Minister average less than \$1.15 per box for approximately one-half the quantity as wrapped pack, and less than 95 cents per box of the balance as unwrapped pack.
 - (b) by paying to the Board the sum or amount of 40 cents per box for any quantity by which the total of schedule apples marketed by the Board under paragraph (a) of this clause together with any quantity sold by the Board outside of Canada may be less than 4,600,000 boxes.

4. Notwithstanding anything contained in Clause 3 hereof the Minister may suspend payment of part or the whole of any account pending investigation as to the quantity or quality of any delivery of apples.

5. Further notwithstanding anything contained in Clause 3 hereof, if the Board fails to follow any instructions given by the Minister under this Agreement as to the marketing of apples or if there is any unreasonable failure on the part of the Board to further the purposes of this Agreement or to ensure the maximum enjoyment of its benefits by growers and consumers, the Minister may penalize the Board by reducing the price basis under Clause 3 hereof by such amount as he deems fair and just.

In Witness Whereof the parties hereto have hereunto set their hands and seals.

.....
British Columbia Fruit Board.

.....
Minister of Agriculture.

Order in Council authorizing provisions of Government Employees Compensation Act to apply to trainees under War Emergency Training Programme

P.C. 19/4600

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by The Deputy of His Excellency the Governor General in Council, on the 25 June, 1941.

The Board had under consideration a recommendation from the Honourable the Minister of Labour and the Honourable the Minister of Transport reporting:

"That the Department of Labour, through the agency of the various provinces, is presently providing training for skilled and semi-skilled employment in war industries and in various branches of His Majesty's armed forces to several thousand odd trainees under the War Emergency Training Programme as authorized by Order in Council P.C. 4506 of the 11th September, 1940;

That much of the said training is of a hazardous or semi-hazardous nature;

That the trainees are not paid during the course of their training any wage or salary;

That the said trainees are not entitled to receive compensation in case of accident either by virtue of the Government Employees Compensation Act or of any provincial Workmen's Compensation Act;

That it is deemed expedient that provision should be made whereby the provisions of the Government Employees Compensation Act should apply to such trainees other than the payment of compensation for temporary disability.

The undersigned, therefore, have the honour to recommend that Your Excellency in Council, pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, be pleased to order that

- (1) All persons who are or may be in training, under the War Emergency Training Programme, as authorized by Order in Council P.C. 4506 of the 11th September, 1940, shall be deemed to be employees within the meaning of that term as defined in the Government Employees Com-

pensation Act for all purposes other than the payment of compensation for temporary disability, but allowing in all temporary disability cases necessary first aid, medical and hospitalization expenses and, in cases where hospitalization is unnecessary, continuation during the period of disability of such subsistence allowance as was being provided to the trainee immediately prior to the time of the causative accident, and subject to the following provision of this Order, the said Act shall apply accordingly;

- (2) As persons in training as aforesaid are not paid a direct wage or salary, the amount of compensation to be paid to or in respect of any trainee under the said Act shall be computed as though the injured trainee had been in receipt of a fixed wage of \$12.50 per week at the date of the causative accident, regardless of any minimum rate of compensation, statutory or otherwise, which may be in effect in any Province at that date."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council amending regulations re control of explosives
(P.C. 2903, 4th July, 1940)**

Canada Gazette, 12th July, 1941

P.C. 25/4600

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by The Deputy of His Excellency the Governor General in Council, on the 25th June, 1941.

The Board had under consideration the following memorandum from the Honourable the Minister of Mines and Resources:—

"The undersigned Minister of Mines and Resources begs to report that with a view to the better control of the possession, use, and sale of explosives under war conditions Regulations to effect the control desired were approved under authority of the War Measures Act by Order in Council of July 4, 1940 (P.C. 2903):

that after the experience subsequent to the approval of the Regulations it seems desirable to amend them with a view to—

- (a) granting to Dominion Inspectors of Explosives the same authority in the matter of issuing explosive purchase permits as is granted to officers of the Royal Canadian Mounted Police and to certain provincial and municipal officials;
- (b) granting authority to the Minister of Mines and Resources to dispose of explosives surrendered by dealers who under the Regulations would be required to secure magazine licences; and
- (c) granting authority for reimbursement of the cost of surrendered explosives to those who prior to the Regulations becoming effective were legally in possession of them.

The undersigned, in view of what is set forth above, therefore, recommends

- (a) that in Section six (6) of the Regulations approved by Order in Council of July 4, 1940 (P.C. 2903) there be inserted after the words "the signature of" the words "Dominion Inspectors of Explosives": and

- (b) that Section eleven (11) of the Regulations be repealed and that there be substituted for it the following:

"Every person other than the owner or operator of a licensed factory or magazine who then has in his possession or in transit an authorized explosive shall, within fifteen days from the date of publication of these regulations in the *Canada Gazette* either deliver such explosive, if in possession, or an order for delivery thereof, if in transit, to one of the persons mentioned or referred to in regulation 6 of these regulations as authorized to issue explosive purchase permits or apply to such person for permission to retain or use the said authorized explosive, which permission may be granted as in the circumstances may seem advisable by the issuance to such applicant of an explosive purchase permit authorizing him to retain the said authorized explosive in his possession or use it as in such permit set forth; provided, however, that such permission or refusal to grant permission may be reviewed at the discretion of the Chief Inspector of Explosives and he may order that permission may be refused or granted as to him seems necessary in the circumstances. All authorized explosives for which a permit to retain is refused shall within fifteen days of notification to the applicant of such refusal be delivered to one of the persons in regulation 6 mentioned or referred to as aforesaid; any authorized explosive presently in the hands of any such person or delivered to him in accordance with these regulations shall be disposed of as the Minister may direct and there may be paid to the owner thereof out of moneys from time to time provided by the War Appropriation Act the actual cost to him of such explosive."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council authorizing Dominion Fuel Board transferred to
Wartime Prices and Trade Board**

P.C. 27/4600

*Certified to be a true copy of a Minute of a Meeting of the Treasury Board,
approved by The Deputy of His Excellency the Governor General in
Council, on the 25th June, 1941.*

The Board had under consideration a memorandum from the Honourable the Minister of Mines and Resources reporting:

"That under Order in Council, P.C. 2381, of November 25th, 1922, the Minister of Mines was charged with the responsibility for the administration of the Dominion Fuel Board;

That it would appear that the activities of the Dominion Fuel Board should be co-ordinated with the duties of the Coal Administrator for the duration of the war.

The undersigned, therefore, under and in virtue of the provisions of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, has the honour to recommend:

1. That the duties, functions and establishment of the Dominion Fuel Board (as set forth on the schedule attached) be transferred to the Coal Administrator for the duration of the present war, with full authority to him to administer under the direction of the Wartime Prices and Trade Board the various Orders in Council authorizing assistance to the movement of coal as prescribed by the Governor General in Council and to administer Chapter 52, 17, George V, (The Domestic Fuel Act 1927) also Chapter 6, 20-21 George V (An Act to place Canadian coal used in the manufacture of iron and steel on a basis of equality with imported coal).

2. That the appropriations granted under Votes 173 and 174 of the Main Estimates, 1941-42, and the statutory appropriations granted under Chapter 52, 17, George V (The Domestic Fuel Act, 1927) also Chapter 6, 20-21, George V (An Act to place Canadian coal used in the manufacture of iron and steel on a basis of equality with imported coal), be transferred to the Coal Administrator to administer under the direction of the Wartime Prices and Trade Board."

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

Sgd. A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council authorizing certain tax remissions on British Purchases

P.C. 41/4600

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by The Deputy of His Excellency the Governor General in Council, on the 25th June, 1941.

The Board recommend that authority be granted, under the provisions of Section 3 of the War Measures Act, for the following Customs duty and excise tax concessions, effective September 2nd, 1939, with respect to all goods, other than those covered by Order in Council (P.C. 1/2540) dated April 11th, 1941, and whether purchased abroad or in Canada by authorized officials of United Kingdom Air Liaison Mission, British Admiralty Technical Mission, United Kingdom Technical Mission, and Inspection Board of United Kingdom and Canada, or by authorized officials of the Department of Munitions and Supply on their behalf, and which goods are to become and remain the property of the Government of the United Kingdom:

- (a) Remission or refund of the Customs duty, war exchange tax, special excise tax, sales tax and other excise taxes paid or ordinarily payable on goods imported;
- (b) Remission or refund of sales tax and excise taxes paid or ordinarily payable on goods purchased in Canada from licensed manufacturers or from licensed wholesalers;
- (c) Remission or refund of sales tax paid or payable on goods purchased from other than licensed manufacturers or licensed wholesalers, provided that the bill or invoice for such goods is for an amount over twenty-five dollars (\$25).

Provided that if and when any of the said goods, in respect of which remission or refund of Customs duty or taxes has been obtained, are sold or otherwise disposed of, either prior to or subsequent to the close of the war, they shall become subject to any Customs duties or excise taxes ordinarily applicable at

time of their disposal, unless the goods are exported or destroyed, and the person who acquires the goods, whether by purchase or otherwise, shall pay, when he obtains possession thereof, the said duties and taxes, levied at the rates then in effect, on values as determined by a Dominion Customs Appraiser or by an Excise Tax Auditor, as the case may be.

Sgd. A. D. P. HEENEY,
Clerk of the Privy Council.

**Order in Council extending provisions of P.C. 6286, 7th November, 1940
(labour enticement) to all industries**

Canada Gazette (Extra) 14th July, 1941

P.C. 4642

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of June, 1941.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that it is essential to extend the coverage of the Order in Council dated 7th November 1940 (P.C. 6286), preventing employers from enticing to their service persons already engaged in war industries, to include the civilian employees of the companies engaged in the British Commonwealth Air Training Plan, and to provide that regulations may be issued to prevent the employment of persons in certain designated skilled and scarce trades except through employment offices in accordance with a system of priorities;

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Minister of National Defence for Air, and under and by virtue of the War Measures Act (Chap. 206, R.S.C. 1927), is pleased to amend the regulations established by the said Order in Council dated 7th November 1940 (P.C. 6286), and they are hereby amended as follows:—

1. By extending the coverage of the said regulations to all the industries, including civilian companies engaged in the British Commonwealth Air Training Plan, now covered by the Industrial Disputes Investigation Act as extended by Order in Council dated 7th November 1939 (P.C. 3495), as amended;

2. By striking out the phrase, “unless such employee is not actually employed in his usual trade or occupation”, in sections 1 and 2 of the said regulations, and substituting therefor the phrase, “unless such person is a skilled tradesman not actually employed at his trade”; and

3. By adding thereto the following new section:

“4”. The Minister of Labour may, with the concurrence of the Unemployment Insurance Commission, make all such orders or regulations as he deems necessary to achieve the purposes and intention of this Order; such orders or regulations shall forthwith be published in the *Canada Gazette* and shall have the force of law, and every person who contravenes or fails to comply with any such orders or regulations shall be guilty of an offence and shall be liable to the penalty of the last preceding paragraph.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council amending P.C. 7440, 16th December, 1940, wartime cost of living bonus

Canada Gazette, 12th July 1941

P.C. 4643

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 27th day of June, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that it is essential in the interests of industrial peace to clarify the intent and purpose of Order in Council dated 16th December, 1940, P.C. 7440.

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under and by virtue of the War Measures Act (Chap. 206, R.S.C. 1927) is pleased to amend the said Order in Council and it is hereby amended as follows:

1. By striking out Clause (3) thereof and substituting therefor the following:

"(3) The wage rate level paid by the employer during the period 1926-29, or higher levels established thereafter but prior to December 16, 1940, shall be considered generally fair and reasonable, except when it is clearly shown that such wage rate level was or is unduly low or subnormal, in which event a Board may recommend such rates as it considers fair and reasonable."

2. By striking out Clause (4) thereof and substituting therefor the following:

"(4) If the present wage rate level established by the employer is lower than the wage rate level established during the period 1926-29 or higher level established thereafter but prior to December 16, 1940, and it is clearly shown that such previous wage rate levels, if restored, would be unduly enhanced or abnormal, any increase in present wage rates in any calendar year shall be limited to 5 per cent thereof."

3. By striking out clause (5) thereof and substituting therefor the following:

"(5) A wartime cost of living bonus separate from and in addition to basic wage rates shall be paid except for good cause shown to the contrary to all employees as follows:

(i) Such bonus shall be based on the increase in the cost of living as measured by the Cost of Living Index prepared by the Dominion Bureau of Statistics for the Dominion as a whole.

(ii) The increase shall be measured from August, 1939, or from the effective date (subsequent to August, 1939) of the granting of the last previous increase in wage rates or bonus, which brought the wage rate level (including any bonus other than a cost of living bonus pursuant to the provisions of this section) of the employer up to a fair and reasonable level.

(iii) The bonus shall be paid in the first instance only if the cost of living has risen by as much as 5 per cent; thereafter the bonus shall be increased only if the cost of living has risen by 5 per cent or more and three months have elapsed since the last previous determination of the amount of the bonus, or decreased only if the cost of living has fallen by 5 per cent or more and three months have elapsed since the last previous determination of the amount of the bonus.

- (iv) Subject to the provisions of the last preceding subsection, for each rise of 1 per cent in the cost of living the amount of the bonus shall be 25c per week, except for male workers under 21 years of age and female workers, who, if employed at basic rates of less than 50c an hour on jobs which by custom or practice are not ordinarily assigned to adult male workers, shall receive a bonus of 1 per cent of their basic wage rates."

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council establishing Obsolete Stores Committee; regulations for disposal of obsolete stores and equipment

P.C. 4649

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of June, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of National Defence reports that on account of changes in clothing and equipment due to the mechanization of the Army and other reasons, the Department of National Defence now has, or may from time to time hereafter have, certain Army stores which are now, or may become, obsolete;

That in addition to the stores above mentioned, the Department of National Defence now has and from time to time will have certain other stores which have been or will have been converted to Produce;

That some of such stores and equipment, could, it is believed, be converted with advantage into other articles capable of being used by or for the Naval, Military and Air Forces, the by-products resulting from such salvage operations which have any marketable value being capable of disposal to some financial advantage, and other stores and equipment which are not capable advantageously so to be converted, could, it is believed, be disposed of at advantageous prices if prompt and appropriate measures were taken for that purpose. Thus, not only would this make for economy but would result in financial benefit, as well as enabling much needed storage space to be made available for essential War purposes;

That to effect the prompt and appropriate measures required, as aforesaid, in view of the nature of the stores in many instances, it is essential to have the benefit of the services of a highly qualified Officer with such experience as will enable him to determine the possibilities of utilizing or adapting such stores to civilian purposes, or otherwise;

That, in this connection it has been found possible to obtain the services of Lieutenant-Colonel W. G. B. Dailley (a senior executive of the T. Eaton Company Limited) who has had extensive experience both in salvage disposal for the British Armies in the last War, and also in the merchandising of goods in Canada, and has thus acquired a firsthand knowledge of values, selling methods and the requirements of the Canadian Market; and

That, for the purposes aforesaid and in the public interest it is desirable that some special procedure be adopted to carry out the disposal of all such stores hereinbefore mentioned (including stores which have been converted to Produce)

otherwise than through the Salvage Officer under the general procedure prescribed by Order in Council P.C. 6/689 dated April 30th, 1937;

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding the provisions of any other Statute, Law or Regulation (including Order in Council P.C. 6/689 dated April 30th, 1937), is pleased to order and doth hereby order as follows:

1. There shall be in the Department of National Defence a Committee to be known as "the Obsolete Stores Committee", consisting of a representative of the Chief of the General Staff and a representative of the Master-General of the Ordnance, (hereinafter referred to as "the Committee").

2. The duties of the Committee shall be:

- (a) To investigate, as to any or all Army Stores of whatsoever nature and kind, including equipment, clothing and supplies which are reported to be obsolete and/or which the Committee considers might on investigation prove to be obsolete.
- (b) To inspect and/or examine such stores if the Committee, in its discretion, deems an inspection and/or examination is essential to such investigation.
- (c) To report and to certify to the Master-General of the Ordnance, as a result of such investigation or investigations, such stores as the Committee finds are obsolete and which it recommends for disposal as such.

3. The Master-General of the Ordnance, upon receiving from the Committee the report and certificate as aforesaid, shall, to the extent that he concurs in the same, certify accordingly and shall forward the report, so certified, for the approval or otherwise of the Acting Deputy Minister of National Defence (Army).

4. All stores and equipment set out in any such report of the Committee, to the disposal of which approval has been given by the Acting Deputy Minister of National Defence (Army), shall forthwith be dealt with by the Army Salvage and Disposal Board as constituted hereunder and in the manner following:

5. There shall be a Board to be known as "the Army Salvage and Disposal Board" (hereinafter referred to as the Board), comprised as follows:

Chairman—Lieutenant-Colonel W. G. B. Dailley

Members—J. V. Young, Esq., Captain J. R. McCole.

All of the Branch of the Master-General of the Ordnance.

The Chairman, or any member of the Board, may at any time be removed from office on the recommendation of the Master-General of the Ordnance with the approval of the Minister of National Defence. Any vacancies occurring as a result of removal or otherwise shall be filled by appointments made by the Governor in Council.

6. The duties of the Board shall be to deal with all such stores and equipment as come within its jurisdiction, pursuant to Section (4) of these Regulations and with stores which have been converted to Produce, in the following manner:

- (a) To decide what such stores and equipment can, having regard to the public interest whether financial or otherwise, be advantageously converted into other articles of stores and equipment capable of being used for Naval, Military or Air Force purposes; any such decision of the Board shall be final.
- (b) With respect to any stores and equipment which the Board decides as aforesaid, are capable of being so converted, to proceed under appro-

priate departmental arrangements, including financial, to convert the same into such other articles of stores and equipment as the Board may determine.

- (c) To dispose of all residue and by-products remaining after conversion as aforesaid, and all stores and equipment not capable of being so converted, including Produce, (all hereinafter referred to as disposal stores), in the manner following:

- (i) The Board shall from time to time supply to the Salvage Officer named in Order in Council dated April 30th, 1937, P.C. 6/689, a statement or statements of disposal stores, and in the event of the Salvage Officer satisfying the Board, within such time as may be set by the Board, that all or any of said disposal stores are required or can be utilized by any other Department, or Agency of the Government, or by any Charitable or Welfare Organization, priority in disposal shall be given to any such Government Department, Agency or Charitable or Welfare Organization as is designated by the said Salvage Officer, provided that in the case of any such disposal to a Government Department or Agency the same shall be at prices agreed upon by mutual arrangement between the Board and the Department or Agency concerned; and provided further that in the event of disposal to any Charitable or Welfare Organization any such disposal shall be subject to approval by the Minister of National Defence.
- (ii) Subject to the provisions of clause (i) of this paragraph, to arrange for the sale in the manner set out in this clause of any such disposal stores remaining on hand:
 - (a) A sale of disposal stores the vocabulary price of which does not in the aggregate exceed \$5,000.00 shall be carried out in such manner as the Board may determine, subject to the provisions of this Order and to prior approval by or on behalf of the Master-General of the Ordnance.
 - (b) A sale of disposal stores the vocabulary price of which in the aggregate exceeds \$5,000.00, but does not exceed \$50,000.00, shall only be made with the approval of the Deputy Minister of National Defence (Army) and shall be by public auction or public tender.
 - (c) A sale of disposal stores the vocabulary price of which in the aggregate exceeds \$50,000.00 shall only be made with the approval of the Minister of National Defence and shall be by public auction or public tender.

Provided that, in the event of there being no vocabulary price for the whole or any portion of the disposal stores so to be sold as aforesaid, the Board shall fix the vocabulary price thereof, and provided further that, in the event of any sale being carried out through public tender, it shall be competent for the Board to reserve the right to reject all or any offers received. Subject to the foregoing, no sale shall be made to other than the highest tenderer or bidder.

- (iii) In the event of all or any disposal stores not being sold by public tender, therefor, or by public auction at any sale as aforesaid, the Board shall have the power, subject to approval by or on behalf of the Minister of National Defence, to sell any such disposal stores not so sold as aforesaid, by private treaty at the best price it can arrange.
- (iv) No tender shall be recognized unless the same is accompanied by a certified cheque for such amount as the Chairman of the Board may decide and as indicated in the invitation to tender, but such

amount shall not in any event be less than ten per centum of the amount so tendered.

- (v) In all cash sales by auction or otherwise, the purchase money shall be paid forthwith in cash or by certified cheque payable to the order of the Receiver General of Canada.
- (vi) The Board shall, as of the end of each month and as soon thereafter as possible, furnish reports and returns to the Master-General of the Ordnance, setting out in such manner as the Master-General of the Ordnance may direct, the progress which is being made in dealing with the stores and equipment as aforesaid, the methods adopted in the conversion and disposal thereof, the persons to whom the same were disposed, and the prices obtained therefor. Said reports and returns shall be in such form as the Minister of National Defence may from time to time direct, and shall be submitted by the Master-General of the Ordnance as soon as received to the Minister of National Defence and the Minister of Finance.

7. The expenditures involved shall be made a charge against the War Appropriation allotted to the Department of National Defence (Army).

(Sgd.) A. D. P. HEENEY,

Clerk of the Privy Council.

Order in Council amending various regulations Defence of Canada
Regulations (Consolidation) 1940

Canada Gazette 12th July 1941

P.C. 4651

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of June, 1941.

PRESENT:

The Deputy of
HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Justice reports that the Special Committee on the Defence of Canada Regulations appointed by resolution of the House of Commons, adopted on the 4th March, 1941, in making its fourth and final report on the 4th June, which was concurred in by the House of Commons on the 9th June, recommended amendments to regulations 15, 22, 39, 39B, 39C and 58 of the Defence of Canada Regulations (Consolidation) 1940, and it is considered desirable that the said Regulations should be amended accordingly;

That the said Committee also recommended that the said Regulations, as amended, should be consolidated and reprinted and that before this recommendation is implemented it is desirable that certain organizations declared illegal by Orders in Council

P.C. 2527 of the 12th June, 1940

P.C. 2682 of the 20th June, 1940

P.C. 2943 of the 4th July, 1940

P.C. 4255 of the 27th August, 1940

P.C. 289 of the 13th January, 1941

P.C. 582 of the 29th January, 1941

P.C. 1223 of the 19th February, 1941

under the authority of sub-paragraph (b) of paragraph (1) of regulation 39C should be added to the list of organizations declared illegal and set out in sub-paragraph (a) of paragraph (1) of the said regulation.

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to amend the Defence of Canada Regulations (Consolidation) 1940, made by Order in Council P.C. 4750 of the 12th September, 1940, and they are hereby amended as follows:

1. By adding to regulation 15, immediately after paragraph (2) the following paragraphs,

- “(3) Any person against whom an order is made under this regulation may make objection to such order to a Committee appointed by the Minister of Justice to consist of a person who holds or has held high judicial office.
- (4) When objection is made, the functions of such Committee shall be to consider and make recommendations to the Secretary of State with respect to any objections against such order which are duly made to the Committee by the person to whom such order relates.
- (5) Notice of objection shall be made to the Secretary of State within fourteen days from the date of service of the order in question, which order shall contain a provision notifying the person of his right to make objection and shall refer to the publication or publications in respect of which the order has been made.
- (6) On receipt of any such notice of objection, the Secretary of State shall forthwith notify such Committee who shall make arrangements for the hearing of such objection.”

2. By revoking regulation 22 and substituting therefor the following,

- “22. (1) Any person aggrieved by the making of an order against him under the powers conferred by the last preceding regulation may make his objection to an advisory committee as provided in this regulation.
- (2) For the purposes of this regulation the Minister of Justice shall appoint one or more advisory committees, each to consist of three persons, to consider and make recommendations to him with respect to any objections against an order made under the last preceding regulation. The number of committees appointed shall, in the opinion of the Minister of Justice, be adequate to deal promptly with the cases arising in the different parts of Canada.
- (3) The Chairman of each committee shall be nominated by the Minister of Justice and shall be a person who holds or has held judicial office.
- (4) As soon as possible after detention under an order made under the provisions of the last preceding regulation, the person against whom the order is made shall in every case be informed of the general grounds on which he is detained and notice of his detention shall, where possible and not contrary to the public interest, be given to his family or such person as he may request.
- (5) It shall be the duty of the Minister of Justice to secure that every person detained as aforesaid is informed of his right to make an objection under this regulation.
- (6) A person desiring to make an objection shall deliver to the person having his custody a written notice of objection, signed by the objector, within thirty days from the date of such detention or such further time as the Minister of Justice in his discretion may allow, and a true copy of such notice shall forthwith be forwarded by the person aforesaid to the Minister of Justice for transmission to the chairman of a committee.
- (7) The chairman on receipt of such notice of objection shall give such directions as may be convenient and necessary for the prompt and just disposition of the objection.

- (8) It shall be the duty of the chairman to inform the objector within a reasonable time before the hearing of the grounds on which the order has been made against him, and, in order to enable him to present his case, to furnish him with as full particulars of the reasons for such order as in the opinion of the chairman the circumstances permit, and such particulars shall be further supplemented by the committee at the hearing by giving the objector all such further particulars as it shall deem necessary and advisable.
- (9) The objector may be represented by counsel, solicitor or agent.
- (10) The hearing may take place at any place and it may be adjourned from time to time as the committee shall determine. The Minister of Justice shall cause to be put before the committee all the information about such person available to the Minister except such as is not in the public interest to disclose.
- (11) Where the Minister of Justice has referred a recommendation of an advisory committee to the Commissioner of the Royal Canadian Mounted Police in order that the latter may have an opportunity of putting such further material as he may desire before the Minister, the Commissioner shall submit such material within a delay of fifteen days or such further time as the Minister may allow.
- (12) The chairman or any member of a committee may administer oaths, and a committee may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper.
- (13) A committee shall have all the powers and authority of a Commissioner appointed under Part One of the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927.
- (14) The Minister of Justice may make further rules as to the manner in which objections against an order as aforesaid may be made and disposed of.
- (15) The Committee shall consider and make recommendations on any matter arising under these Regulations which may be referred to it by the Minister of Justice."

3. By revoking regulation 39 and substituting therefor the following,

"39. No person shall

- (a) act in any manner, spread reports, or make statements or utterances intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated powers or to prejudice His Majesty's relations with foreign powers;
- (b) act in any manner, spread reports, or make statements or utterances intended or likely to prejudice the recruiting, training, discipline, or administration of any of His Majesty's forces; or
- (c) act in any manner, spread reports, or make statements or utterances intended or likely to be prejudicial to the safety of the State or the efficient prosecution of the war."

4. By revoking paragraph (2) of regulation 39B and substituting therefor the following,

- "(2) It shall be a defence to any prosecution for an offence against regulations 39 or 39A to prove that the person accused intended in good faith merely to criticize or to point out errors or defects in the government of Canada or any province thereof, or in either House of Parliament of Canada or in any legislature; or in the administration of Justice."

5. By adding at the end of sub-paragraph (a) of paragraph (1) of regulation 39C the following,

"Italian Fascio Abroad (Fasci Italiani All'Estero);

O.V.R.A. Opere Volontarie Repressione, Anti-Fascisto. (National Organization for the Repression of Anti-Facism);

Dopolavoro (After Work Organization);

Associazione Combattenti Italiani (Italian War Veterans' Association);

O.G.I.E. Organizzazioni Giovanili Degli Italiani All'Estero (Italian Youth Organization Abroad);

The Italian United Moral Front (A combination of Italian and Italo-Canadian Societies in Montreal under the control of the Canadian Fascio);

Technocracy Inc.;

Jehovah's Witnesses;

The Workers and Farmers Publishing Association;

The Road Publishing Company;

The Croatian Publishing Company;

The Polish People's Press;

The Serbian Publishing Association;

The Finnish Society of Toronto;

Watch Tower Bible and Tract Society;

International Bible Students Association;

Watch Tower Bible and Tract Society Incorporated; and

The Finnish Society."

6. By revoking paragraphs (2) and (3) of regulation 39C and substituting therefor the following,

"(2) Every person who is an officer or member of an illegal organization, or professes to be such, or who advocates or defends the acts, principles or policies of such illegal organization shall be guilty of an offence against this regulation.

(3) In any prosecution under this regulation for the offence of being a member of an illegal organization, if it be proved that the person charged has

(a) attended meetings of an illegal organization;

(b) spoken publicly in advocacy of an illegal organization; or

(c) distributed literature of an illegal organization by circulation through the Post Office mails of Canada, or otherwise

it shall be presumed, in the absence of proof to the contrary, that he is a member of such illegal organization."

7. By revoking paragraphs (3) and (4) of regulation 58 and substituting therefor the following,

"(3) For the purposes of paragraph one of this regulation every commissioned officer of the Royal Canadian Mounted Police shall be a justice of the peace.

(4) (a) A police or stipendiary magistrate or two justices of the peace may, with the consent of counsel representing the Attorney General of Canada or of the province, order that any article seized shall be forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct, or, if such article is not of a subversive nature, returned to the owner, notwithstanding that no person has been charged with, committed for trial for, or convicted of, an offence in connection with such article: Provided that where a claim has been made by the owner of any such article before an order of forfeiture has been made that article shall not be destroyed unless it is of a subversive nature.

- (b) No order shall be made under the authority of this paragraph until three months have expired from the date the article was seized and if no claim has been made for the return to the owner of such article the magistrate or justices of the peace may make an order, with the consent as aforesaid, on the ex parte application of the seizing authorities."

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council establishing regulations Civil Employment Reinstatement

Canada Gazette 26th July, 1941

P.C. 4758

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 27th day of June, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports,—

1. That in view of the necessity of raising large military forces for service in the present war and for the defence of Canada, a great national problem will be presented when the members of those forces complete their service and are to be returned to civil employment; and

2. That many employers of persons who have enlisted to serve in His Majesty's forces in the present war have voluntarily undertaken to reinstate in employment such persons, following their honourable discharge or demobilization from His Majesty's forces, with conditions not less favourable to the employee than he would have attained had he not enlisted; and

3. That it is desirable that all persons who have left employment to enlist should be relieved of any cause for concern in regard to their reinstatement in such employment, and that there should be uniformity of treatment in the matter of reinstatement in employment of those who have so enlisted or performed essential war employment during the present war; and

4. That it is deemed expedient for the security, defence, peace, order and welfare of Canada that provision should be made for the orderly reinstatement in their previous employment of such persons aforesaid; and

5. That the Minister of Labour was authorized to give an undertaking to Parliament that the Government would introduce legislation to make such provision immediately after Parliament reconvenes; and

6. That representations have been made by the sub committee on employment of the General Advisory Committee on Demobilization and Rehabilitation and the Interdepartmental Committee on Labour Coordination that it is essential to make immediate provision for those men who are likely to be discharged from His Majesty's forces before the date on which it will be possible to have special legislation enacted.

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under and by virtue of the War Measures Act (Chap. 206 R.S.C. 1927), is pleased to make the following regulations and they are hereby made and established accordingly,—

REGULATIONS

1. These Regulations may be cited as the War Measures (Civil Employment Reinstatement) Regulations, 1941.

PART I

2. In these Regulations and in any order or regulation made thereunder, unless the context otherwise requires,

- (a) "service in His Majesty's Forces" includes service since the commencement of the present war in or out of Canada in any capacity, in pursuance of any enactment relating to the military, naval or air forces;
- (b) "employer" in relation to any person accepted for service in His Majesty's forces, means a person carrying on any undertaking or service in which the enlisted person

- (i) had employee status on September 9, 1939, or by reason of wage agreement or otherwise had a recognized position, other than a temporary position, or

- (ii) having been hired after September 9, 1939, was employed for at least six months in other than a temporary position (exclusive of any probationary period required by published regulation or agreement as of September 9, 1939) immediately before he was accepted for service in His Majesty's forces,

or any person carrying on any undertaking or service with which that undertaking or service has been amalgamated or in which it was comprised when the employee's service in His Majesty's forces began.

3. It shall be the duty of any employer by whom a person accepted for service in His Majesty's Forces was employed when accepted for such service, to reinstate him in employment at the termination of that service in such occupation and position as would be consistent with the true intent and purpose of these Regulations and under conditions not less favourable to him than those which would have been applicable to him had he not enlisted; Provided, that the right to reinstatement shall be subject to establish rules of seniority in the employer's establishment, with retention of seniority rights during the employee's period of service with His Majesty's Forces, or, in an absence of such rules, to preference according to dates of first employment in the employer's service with due consideration to continuity of employment in that service.

4. In any proceedings for the violation of section 3 of these Regulations, it shall be a defence for the employer to prove,—

- (a) that the person formerly employed by him did not, within three months after discharge or demobilization in Canada or within four months after discharge or demobilization overseas following service with His Majesty's forces, apply to the employer for reinstatement; or
- (b) that, subject to the provisions of subsection (a), having been offered reinstatement by the employer, he failed, without reasonable excuse, to present himself for employment at the time and place notified to him by the employer; or
- (c) that, by reason of a change of circumstances, other than the engagement of some other person to replace him, it was not reasonably practicable to reinstate him or that his reinstatement in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been accepted for service with the armed forces was impracticable, and that the employer

has offered to reinstate him in the most favourable occupation and under the most favourable conditions reasonably practicable; or

- (d) that he was physically or mentally incapable of performing work available in the employer's service, or
- (e) that he was employed to take the place of an employee who had been previously accepted for service in His Majesty's forces and that such employee had been reinstated in his employment.

5. Where an employer has reinstated a former employee in accordance with section 3 of these Regulations, he shall not, without reasonable cause, terminate the employment of that employee and, in any proceedings for violation of this section in any case where the employment was terminated within six months of the reinstatement the onus shall be on the employer to prove that he had reasonable cause for terminating the employment.

6. An employer shall not terminate the employment of any employee in the expectancy that the employee will or may be accepted for service in His Majesty's forces. In any proceedings for violation of this section if the court is of the opinion that there are reasonable grounds for believing that the employment was terminated in violation thereof, the employment shall be deemed to have been so terminated unless the employer proves that the termination was for a reason unconnected with such expectancy.

7. In any province where there is provincial apprenticeship legislation applying to certain trades designated in or under such legislation, the conditions under which the contract of apprenticeship in any designated trade is to be revived after the period of service in His Majesty's forces may be determined by the provincial authority administering such legislation, having regard to any instruction received in the period of service in His Majesty's forces and to the provisions of section 3 of these Regulations.

8. Nothing in these Regulations shall confer on any employer authority to make any contract or arrangement with reference to the period of service of his employees in His Majesty's forces which he is not authorized to make under any power already possessed by him, but where any employer has entered into a mutual agreement with his employees undertaking to restore to employment employees who enlist for service in His Majesty's forces such agreement shall continue in force to the extent that it is not less advantageous to an employee than the provisions of these Regulations, subject to such interpretation as may be mutually agreed to by the contracting parties.

9. Any employer who contravenes or fails to comply with the provisions of sections 3, 5 or 6 of these Regulations or of any order or regulation made thereunder, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars, and, in addition, the court shall order him to pay to the person whom he has failed to reinstate, or whose employment he has terminated, a sum not exceeding an amount equal to twelve weeks' remuneration at the rate at which he was being remunerated by that employer when he was accepted for service in His Majesty's forces.

10. The Minister of Labour may, with the concurrence of the Minister of Pensions and National Health, make all such orders and regulations as he may deem necessary or desirable to carry out the purpose and intentions of these regulations, such orders and regulations shall forthwith be published in the *Canada Gazette* and shall have the force of law.

PART II TEMPORARY PROVISIONS

11. The provisions of these Regulations except Section 4 (a) hereof, shall apply with respect to persons who have been honourably discharged from His Majesty's Forces prior to the date of these Regulations provided that in any proceedings for the violation of this section it shall be a defence for the employer to prove that the person formerly employed by him did not, within three months of the date of these Regulations, apply to the employer for reinstatement.

(Sgd) A. D. P. HEENEY,
Clerk of the Privy Council.

Order in Council prohibiting appointment of men of military age to
Public Service

P.C. 4759

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 27th day of June, 1941.

PRESENT:

The Deputy of

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is deemed desirable in the public interest that men of military age and otherwise eligible be available to enlist for service in the Armed Forces of Canada;

And whereas many young men who are now employed in the Public Service are enlisting in the Forces;

And whereas it is deemed desirable that their places should be filled whenever possible by female employees or by male employees who are not eligible for service in the Forces;

Therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State, is pleased to order and doth hereby order and direct that during the continuance of the present war and until it is otherwise ordered, no male person of military age shall be appointed to the Public Service unless he is ineligible for service in the Forces, or unless the Civil Service Commission certifies that his appointment is necessary in the public interest.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.

Proclamation

30th June, 1941.

L. P. DUFF,
Deputy Governor General
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come or whom the same may in anywise concern,

GREETING:

PROCLAMATION

W. STUART EDWARDS,
Deputy Minister of Justice, Canada.

Whereas it is provided by The National Resources Mobilization Act, 1940, that the Governor in Council may make from time to time such orders and regulations requiring persons to place themselves, their services and their property at the disposal of His Majesty in the right of Canada for the use within Canada or the territorial waters thereof, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community;

And whereas pursuant to the powers therein contained, and the provisions of The War Measures Act, Our Governor in Council did on the 27th day of August, 1940, make regulations to provide a system for calling out men for military training within Canada and the territorial waters thereof, such regulations as amended and consolidated being now known as the National War Services Regulations, 1940 (Recruits) (Consolidation 1941);

And whereas pursuant to and in accordance with the said Regulations, it has been decided to call out for military training, as aforesaid, every male British subject who is or has been, at any time subsequent to the first day of September, 1939, ordinarily resident in Canada, and who is of any one of the age groups defined in the Proclamation of His Excellency the Governor in Council of the eleventh day of September, 1940, namely, men who on the fifteenth day of July, 1940, were unmarried or widowers without child or children and who on the first day of July, 1940, had reached the age of twenty-one years but had not yet reached the age on that date of twenty-two years, or had reached the age on that date of twenty-three years, or had reached the age of twenty-three years but had not yet reached the age on that date of twenty-four years, or had reached the age of twenty-four years but had not yet reached the age on that date or twenty-five years, and also men who attained or will attain the age of twenty-one years on or after the first day of July, 1940, and who were on the fifteenth day of July unmarried or widowers without child or children.

Now therefore know ye that pursuant to the National Resources Mobilization Act, 1940, and The War Measures Act, and pursuant to and in accordance with the National War Services Regulations, 1940 (Recruits) (Consolidation 1941), promulgated under the provisions of the said Acts, we do hereby call out the aforesaid classes of men to submit themselves for medical examination and to undergo military training for a period of four months within Canada or the territorial waters thereof, and to report at such places and times and in such manner and to such authorities or persons as may be notified to them respectively by a Divisional Registrar of an Administrative Division appointed by the Governor in Council pursuant to the above mentioned regulations.

Of all which Our Loving Subjects and all others whom these Presents may concern, are hereby required to take notice.

In testimony whereof, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved Counsellor, the Right Honourable Sir LYMAN POORE DUFF, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of Canada and Deputy of Our Dear Uncle, Our Right Trusty and Right Well-beloved Cousin and Counsellor, Alexander Augustus Frederick George, Earl of Athlone, Knight of Our Most Noble Order of the Garter, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Honourable Order of the Bath, Grand Master of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of Our Royal Victorian Order, Companion of Our Distinguished Service Order, Colonel in Our Army (retired), having the honorary rank of Major-General, one of Our Personal Aides-de-Camp, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twenty-seventh day of June, in the year of Our Lord one thousand nine hundred and forty-one and in the fifth year of Our Reign.

By Command,

OSCAR CODERRE,
Acting Under-Secretary of State.

P.C. 4/4274

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by The Deputy of His Excellency the Governor General in Council, on the 28th August, 1940.

The Board recommend that paragraph 1 of Order in Council of September 7th, 1939, P.C. 2584, be amended by insertion of the words "on the 7th day of September, 1939" after the word "Canada".

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

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